

Fourth Edition

law enforcement

RECORDS MANAGEMENT GUIDE



CALIFORNIA COMMISSION ON POST

MEMORANDUM

To : Records Manager

Date: September 15, 2000

From : Jack E. Garner, Chief
Management Counseling Services Bureau
Commission on Peace Officer Standards and Training

Subject : LAW ENFORCEMENT RECORDS MANAGEMENT GUIDE, FOURTH EDITION

The Commission on Peace Officer Standards and Training has completed the Fourth Edition of the *Law Enforcement Records Management Guide*. This Fourth Edition incorporates legal and other changes affecting the records function.

Please replace your existing copy of the guide with enclosed revision.

If you need additional copies of the revised guide, please contact the POST Media Distribution Center at (916) 227-4856.

Enclosure

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**LAW ENFORCEMENT RECORDS
MANAGEMENT GUIDE
FOURTH EDITION
2000**



THE MISSION OF THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IS TO CONTINUALLY
ENHANCE THE PROFESSIONALISM OF CALIFORNIA LAW ENFORCEMENT IN SERVING ITS COMMUNITIES.

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FOREWORD TO THE FOURTH EDITION

Since the last edition of the POST *Law Enforcement Records Management Guide* was published, there have been significant changes in legislation affecting law enforcement records management. The manual has been updated to reflect these changes and to more clearly and completely address records management processes. The manual has also been updated in format and style for ease of use.

The Commission appreciates the contributions of the Executive Board of the California Law Enforcement Association of Records Supervisors (CLEARS) and the Fourth Edition advisory committee of CLEARS members.

We hope the Fourth Edition will become a valuable and useful tool in your records library. Questions or comments concerning this guide or records management should be directed to the Management Counseling Services Bureau at 916-227-4800.



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September 2000

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September 2000



Insert Tab #1

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Introduction

INTRODUCTION

The POST *Law Enforcement Records Management Guide* is designed to assist law enforcement records personnel in the performance of daily activities. The guide focuses on processes and procedures for small and medium-sized agencies with centralized, manual record systems. The underlying principles, however, are equally applicable to automated systems.

The guide is divided into 13 sections: Primary Report System, Secondary Processes, Security of Information, Statistics, Records Retention/Destruction, Forms Control, System Audit Procedures, Automation of Records, Training Records Personnel, Model Directives, Legal Reference, Resource Guide and Glossary.

An initial review of the Table of Contents will be helpful to identify the scope of the subjects covered. Familiarization with the terms in the Glossary during the initial review will also be helpful. An examination of the flowcharts accompanying process descriptions will aid in a better understanding of the material presented.

The recommendations concerning processes and procedures were provided by POST consultants, trainers, and records managers from law enforcement agencies throughout California with years of experience in the records field.

A law enforcement records system is a valuable source of relevant information rather than an inactive storage place of agency history. This information is essential to the investigative, arrest, and judicial processes. Information gathered, recorded and distributed must be accurate, clear and comprehensive. POST suggests an ongoing systematic examination of processes, procedures and files with a realistic and effective purge program.

When records managers make decisions regarding information processing and procedures, they must consider the benefit or affect of that decision upon the entire agency. The decision must consider any adjustments in personnel time, or affect upon other users or contributors to the system. The records system is critical to the operation of the agency, but mutually dependent upon all contributing parts. Successful records managers are aware of the operations of the total agency. Overall awareness is essential to effective records management.

Certain resources are essential to effective records management. Records staff must have adequate training. The Commission on POST, the Department of Justice (DOJ) and the California Law Enforcement Association of Records Supervisors (CLEARS) sponsor records courses and training seminars. Each of these organizations has publications and personnel to help in this training function.

Individual agencies must provide adequate resources for records management. These include sufficient staff, well-maintained equipment, suitable work space and access to essential legal codes. The allocation of resources and training signifies that records management is an important component in the successful completion of the law enforcement mission.

The manual begins with the Primary Report System and traces the documentation of an incident. It begins with a call for service and follows it through to a decision to retain or purge a document. The focus is on the crime or incident report. The basic components of this system are identified along with a flowchart depicting the process.

Secondary Processes refer to those files and procedures that supplement the basic reporting system. Many of these files have preliminary processes associated with them.

The Security of Information section addresses the major issues of information security and release. The applicable legal codes provide the framework for a detailed discussion of specific records that are subject to release or exempted from release. A records release flowchart graphically represents the variables in this decision-making process.

The Statistics section contains the elements and methods of law enforcement statistical reporting. Three specific areas are discussed: the Uniform Crime Reporting program, individual agency management statistical reports and the statistical elements of crime analysis programs.

The Records Retention/Destruction section presents a thorough discussion of the legal requirements in this area. This section provides specific recommendations for records purge and retention periods. Necessary purge program documents are included to guide records managers in setting up their own purge program.

The Forms Control Section offers a discussion and specific recommendations on the essential elements in a forms control program. The emphasis is on a systematic approach to forms management. A model directive outlines the basic components of forms control.

The System Audit Procedures section emphasizes that records managers must, at regular intervals, examine the processes and procedures associated with the records system. This audit will identify problem areas and assist in the development of modifications necessary to ensure an effective, well-functioning system.

The emphasis of the Automation of Records section is on the decision-making process when an agency asks the question, "Should we automate?" The discussion emphasizes that records processing problems vary and several solutions often exist, only one of which may be automation. The steps in this process are identified.

The Training Records Personnel section provides records supervisors with guidelines and support information for training new personnel in records procedures. Most law enforcement agencies require additional on-site training of newly hired or promoted employee to help familiarize them with new duties and responsibilities. A training checklist has been provided to

ensure that all records employees receive the same information on how law enforcement agencies process records. Also in this section is a series of tests which may be administered to new personnel as they move through the training process.

The Model Directives section contains sample directives covering a variety of records-related issues. The directives are not intended to be adopted as written. They are provided as samples that may be modified for use by law enforcement agencies.

The Legal Reference section includes law applicable to law enforcement records management presented in both code/section order and in topic order.

The Resource Guide contains information on books, articles and reports dealing with records management as well as associations and POST-certified training courses related to records. Also included is information on the POST Records Supervisor Certificate and resources available through the POST Web site.

Finally, this guide is a working document that is subject to change. As the Legislature enacts, amends and abolishes laws, changes must occur. In addition, local practices and procedures should be added to the appropriate sections to supplement the text and provide a comprehensive reference for records system management.

Insert Tab #3

Primary Report System



I. PRIMARY REPORT SYSTEM

INTRODUCTION

The primary report system in a law enforcement agency is the source of the most significant information an agency can generate and maintain. "Primary report system," as used in this manual, refers to the system that begins with a call for service and ends with a decision to purge or retain specific documents. This one system provides a broad base of data from which an agency can gauge its performance at the most basic level.

An efficient primary report system:

- documents events,
- aids management decision making,
- assists in the investigation and prosecution of criminal offenses,
- provides data for patrol workload analysis,
- acts as a supervisory tool in determining the quality and quantity of work,
- provides data for budgetary decisions,
- permits compliance with state and federal laws requiring the compilation and reporting of crime statistics, and
- represents the memory of an agency.

To function well, this comprehensive primary report system should:

- be straightforward,
- produce desired results,
- be subject to periodic review for the relevance of its components,
- comply with applicable statutes, and
- retrieve information easily.

A straightforward primary report system is a simple system, one that requires a minimum number of report forms. Agencies should standardize and formalize the processing of reports with written procedures. Management awareness of the interdependence of the system components and staff requirements is a critical element of the efficiency of the system.

System objectives should be clearly defined. Lastly, a review mechanism is necessary to assure compliance with changing legal requirements.

The primary report system consists of nine elements:

1. initial data recording,
2. types of reports,
3. preparation of reports,
4. report review and correction,
5. report indexing,
6. report distribution,
7. complaint processing,
8. filing, and
9. purging.

AUTOMATED RECORDS MANAGEMENT SYSTEMS AND COMPUTER- AIDED DISPATCH

The increasing demands for service placed on law enforcement organizations require an assessment of the organization's ability to coordinate the constant flow of incoming calls for service. Communications center operations personnel can easily be overwhelmed attempting to keep up with the intensive documentation that a manual system requires. Ten years ago, the high cost of automated records management systems that could computerize many of the data manipulation and retrieval functions performed by dispatchers placed these systems beyond the reach of most agencies. Today, however, less expensive and more effective computer-aided dispatch (CAD) systems designed specifically for law enforcement use have created an affordable solution for agencies confronted with increased dispatch and service levels.

A CAD system does away with complaint dispatch cards and allows direct input of call information into a complaint screen format. A CAD system can also enable dispatchers to control and allocate the department's resources more smoothly. More importantly, for records managers, a CAD system can integrate call data entered into the system. With an automated records management system (RMS), case numbers can be automatically generated, and details recorded by the dispatcher can be automatically included in an automated central index and individual reports.

CAD systems can produce independent reports such as: radio logs, shift activity reports, case numbers, activities by date and time of day, incident summaries, incidents by site or location, and the time spent at a location. An agency should not throw out all of its manual systems when converting to an automated system. Maintaining the capability of using the manual system in the event that the automated system goes down will ensure that the agency can continue to function.

Examples of CAD formats or reports have been incorporated into this manual for review.

INITIAL DATA RECORDING

Most calls for service are initiated through telephone or radio communications. Both are routinely recorded in most agencies and constitute an agency's first record of the event. These calls are the starting point for the primary report system. Initial data concerning an event is gathered and the response and actions are recorded. The data, whether the result of a call for service or officer-initiated activity, is recorded in a structured format. The format assures that relevant and uniform data is collected. This initial recording process provides a control point from which subsequent action can be evaluated. An agency may learn whether the proper disposition of an event was reached from this recording.

One of two documents may be used to record initial data in a manual system – the complaint dispatch card or the daily activity log. The complaint dispatch card is preprinted to capture the required data. The daily activity log is also structured, but allows a more narrative format to record the data.

CAD technology is also used for recording initial data. Some manual illustrations will also be backed up with CAD format examples.

The daily activity log is better suited to agencies with a lower volume of calls for service. The mechanics of recording data on the log are more time-consuming, while the dispatch card allows a more rapid recording of data.

Complaint Dispatch Card

A generic complaint dispatch card is difficult to design because each law enforcement agency may have specific and unique information requirements. However, certain data must be recorded by communications personnel so that officers can respond promptly and effectively. The basic data include:

1. nature of the incident,
2. location of the incident,
3. name of the reporting person, and call-back number (for check and verification),
4. names/descriptions of suspects or vehicles involved,
5. any additional information pertinent to the call.

Four time elements concerning the event should be recorded:

1. the date and time the call for service was received (or activity initiated by an officer),
2. the date and time the assignment was broadcast/dispatched,
3. the date and time the officer arrived at the scene, and
4. the date and time the police action was completed (the time the assigned officer returned to service).

Additional valuable information includes the:

1. priority of the call,
2. beat and reporting area in which the incident occurred,
3. identification of the officers assigned,
4. name/ID of complaint taker (if applicable),
5. name of the person completing the card,
6. detailed vehicle/suspect information,
7. other notifications made such as fire, ambulance, tow truck,
8. short narrative description of the incident,
9. disposition of the incident,
10. report number, if appropriate, and
11. name/ID of dispatcher.

Special Activity Card

This type of dispatch card may be used specifically to record officer-initiated and administrative activities. The content of this card is particularly subject to local requirements. Officers must keep the dispatcher informed of each activity and the associated times. The value of the recorded data is directly affected by officers' strict adherence to established communications procedures.

Typical officer-initiated activities recorded on the special activity card include:

- arrest,
- follow-up contact,
- field interview,
- assist other officer,
- traffic stop,
- warrant/subpoena service,
- security check,
- public assistance,
- hazardous condition,
- public relations,
- suspicious vehicle/person/circumstance, and
- recovered/abandoned vehicle.

Administrative activities might include:

- personal time,
- time at the station,
- report writing,
- court/DA conference,
- training/briefing,
- prisoner transport,
- equipment maintenance/service,
- special detail, and
- meal/coffee breaks.

Figure I-1, page I-6, is an example of a complaint dispatch card and a special activity card. Figure I-2, page I-7, is an example of a CAD dispatch screen.

Figure I-1

Example of a Complaint-Dispatch Card and Special Activity Card

COMPLAINT-DISPATCH CARD												
NATURE OF INCIDENT								PRIORITY				
LOCATION OF INCIDENT												
R / P S U S P E C T V E H I C L E	LAST			FIRST			MIDDLE			WANTS CONTACTS? YES <input type="checkbox"/> NO <input type="checkbox"/>		
	ADDRESS								PHONE			
	RACE	SEX	HAIR	EYES	HT	WT	OTHER					
	OTHER DISTINGUISHING FEATURES											
	CLOTHING											
	NAME								ARRESTS			
	CYMBL											
	ADDITIONAL DETAILS											
	DOT/STREET											
									REC DISP ARRV CLEAR			
D I S P O S I T I O N	ASSIGNED BY				ASSIGNED TO							
	MISC. INC. (SEE REVERSE)				UTL/GOA <input type="checkbox"/>							
	CASE #				REPORTING DISTRICT				BEAT			
					CLASSIFICATION							
D E T A I L S	DETAILS AND OTHER INFORMATION											
	ADDITIONAL DETAILS—SEE REVERSE											

Complaint-Dispatch Card

OFFICER				LOCATION				REPT DIST				CLASS CODE				CASE NO			
UNIT #	CHECK	CODE	YEAR	COLOR	MAKE	CODE	LIC	CHECK	CODE	CHECK	CODE	CHECK	CODE	CHECK	CODE	CHECK	CODE		
800			ARREST																
805			ASST OTHER UNIT																
806			DOUBLE WITH OFFICER																
808			BICYCLE STOP																
813			VEHICLE STOP & WARN																
815			SUSP CIMP/PERVEH																
818			WELT CHK/EMRG NOTIF																
819			PUBLIC ASSISTANCE																
820			TRAFFIC ASSISTANCE																
828			BAR CHECK																
832			CRIM INVESTIGATION																
833			ALARM DISCOVERED																
836			HAZARDOUS CONDITION																
841			BUILDING CHECK																
843			FOLLOW-UP																
858			PRISONER BOOKING																
859			PRISONER TRANSPORT																
START																			
STOP																			
ADMINISTRATIVE ACTIVITIES																			
PUBLIC RELATIONS																			
FINGERPRINTING																			
DESK RELIEF																			
COURT																			
EQUIPMENT MAINTENANCE																			
PERSONAL/OTHER																			
PERSONAL TIME MEALS																			
RESERVE DETAIL																			
SPECIAL TRAFFIC ENFORCEMENT																			
BRIEFING																			
TRAINING																			
EMPLOYEE TRANSPORT																			
GAS PUMP																			
ADMIN - PATROL - OTHER																			
DEPARTMENTAL ERRANDS																			
ADMINISTRATIVE DUTIES (SGT)																			

Special Activity Card

Figure I-2

Example of a CAD Complaint Screen

+COMPLAINT Location 22 E EIGHT MILE RD, ANYTOWN _____ Typ 242 _____ Action _____
Name TEST, PERSON _____ Rp Addr 21 E. EIGHT MILE RD. _____ Phone 221-4460
Text TWO MEN FIGHTING IN STREET _____

Compl # 001 _____ Rsp _____ Pri _____ Dispo _____ Dg _____ Zone _____ Tm _____ Dt _____

POLICE CALL NUMBER P951790001 ENTERED

TYPE: 242 (BATTERY _____) PRIORITY: 2 ZONE: 0352

LOCATION: 22 E EIGHT MILE RD, ANYTOWN

NAME: TEST, PERSON

Unit 1A12 assigned on scene to #P9511790001

As with the complaint dispatch card, the special activity card should include general information describing the:

- nature of the incident,
- location of the incident,
- beat/reporting district,
- officer identification,
- case number, if applicable, and
- disposition.

The times recorded include:

- the date and time the activity began, and
- the date and time the activity stopped.

Once the initial data is recorded on the dispatch or special activity card and a disposition is reached, supervisory personnel should review the cards to assess thoroughness, accuracy and adherence to agency policies and procedures.

Daily Activity Log

Although most manual law enforcement record systems use the dispatch card as the primary document for recording initial data, the daily activity log is also satisfactory for use by smaller agencies. This log is maintained by the dispatcher and records the same basic information in a less-structured format.

The four time elements are entered by hand or are typewritten along with a narrative description of the incident including appropriate identifying information, property, disposition, report number and assigned officer. Each separate shift is identified. Line supervisors review and initial the log at the end of each shift to ensure that proper entries and appropriate officer action is recorded.

A daily activity log makes the use of a case number log unnecessary. The sequential case number is issued from the daily activity log itself. Another advantage of the daily activity log is that it presents the basic information in a simple yet comprehensive format.

However, as the volume of calls for service increases, the maintenance of the log may become cumbersome and time-consuming, and dispatch cards should be considered.

Figure I-3, page I-9, is an example of a typed daily activity log. Figure I-4, page I-10, is an example of a CAD-generated daily activity log.

Figure I-4

Example of a CAD-Generated Daily Activity Log

Starting: 05/10/95 at 00:00:00	
Ending: 05/15/95 at 24:00:00	
Call Type: A	
<hr/>	
EVENT:9505100100 TYPE: BEAT CHECK	DATE/TIME: 05/10/95 00:13:37
Location: SPYGLASS PARK	Loc.Com:
Disposition: Checked OK	Primary Unit: 23 Case No:
Comment: ON VIEW/23 /11-51 CHECKED C-4	
<hr/>	
EVENT:9505100101 TYPE: BEAT CHECK	DATE/TIME: 05/10/95 00:16:17
Location: BLUFFS	Loc.Com:
Disposition: Checked OK	Primary Unit: S14 Case No:
Comment: ON VIEW/S14 /11-51 CHECKED C-4	
<hr/>	
EVENT:9505100102 TYPE: SUSPICIOUS CIRCUMSTANCE	DATE/TIME: 05/10/95 00:23:35
Location: VINTAGE HOME FURNISHINGS	Loc.Com:
Disposition: Arrest, Adult	Primary Unit: 28 Case No: 95000720
Comment: ON VIEW/28 /10-6 ON A VEH TO THE REAR OF ABOVE, 28 OF 270C102, C-4 W/1 FEMALE [CAD1-CO10-05/10/95-00:34:32] 10/15 FOR 11550 ON SUBJ CATHERINE ELIZABETH WHITMER 1-11-65 [CAD1-CO10-05/10/95-00:38:17] 10/15 ENRT 10-19, ST MIL 535.4 @ 0036 [CAD1-CO10-05/10/95-00:38:33] TOW ASSIGNED: Kautz Chevron [CAD1-CO10-05/10/95-00:39:53] END MIL 537.0 @ 0039	
<hr/>	
EVENT:9505100103 TYPE: SUSPICIOUS CIRCUMSTANCE	DATE/TIME: 05/10/95 00:28:29
Location: CLIFFS/IN FRONT OF	Loc.Com:
Disposition: Checked OK	Primary Unit: S14 Case No:
Comment: ON VIEW/S14 /OUT WITH TWO [CAD1-CO10-05/10/95-00:37:58] 10-142 TO THE EL PATIO, ST. MIL 6033.1 @ 0035[CAD1-CO10-05/10/95-00:41:16] END 60339.3 @ 0040	
<hr/>	

Initial Data Processing

Communications personnel can tally the data from dispatch cards or the daily activity log at the end of each shift. The most common data elements include the amount of officer-consumed time, by category of activity, which is used for patrol workload analysis or other management information needs.

Other statistical data describing the volume and classification of incidents are usually retrieved by records personnel after the documents are reviewed by the line supervisor and routed to Records. In small agencies, these activities are often performed by the same person. (For further information on agency management statistical reports, refer to the Statistics section of this manual.)

Agencies that use an activity log to record initial data should also maintain the log as a control document for supervisory and records personnel to ensure that all reports are completed and submitted for approval and processing. Even though supervisory personnel have reviewed the activity log, communications staff should keep the previous two weeks' logs for information referral purposes. After the two-week period, the original log should be routed to Records for chronological filing and retention.

Working copies of the activity log can be forwarded to Records immediately after supervisory review to act as the control document. As reports are submitted to Records for processing, the log should be initialed to verify receipt of each report. Copies of the log may also be used for information release as required by the Public Records Act (Government Code Sections 6250-6270). These logs, when exempt information has been deleted, can be used as a press board and to answer citizen inquiries.

Agencies that use complaint dispatch cards to record initial data must also have a procedure to ensure that all reports are completed and submitted for supervisory review and records processing. A document titled "Report Summary Log," similar to the activity log, can be prepared by communications personnel from complaint dispatch card data. This document will not contain all of the detailed information found on an activity log. This log may also be used for information release and patrol briefing after it is reviewed by supervisory personnel. Figure I-5, page I-12, is an example of this log. Figure I-6, page I-13, is a CAD example which can be printed from an automated system.

Figure I-5

ANYTOWN POLICE DEPARTMENT

Report Summary Log

DATE:

WATCH COMMANDER_____

SHIFT:

DISPATCHER_____

Report Number	Nature of Report	Disposition

VOL._____ Page_____

TYPED BY_____

APPROVED BY_____

Figure I-6**Example of a CAD Records Report**

Event #	Disp Time	Total Time	Ofcr	Location Type of Call	Case #
001-14	01:06	13	142	1116 PACIFIC 484	99-52267
001-21	01:29	191	165	LEIBRANDT/RIVERSIDE STABBING	99-52268
001-26	01:55	0	139	LEIBRANDT/RAYMOND FP	99-52269
001-27	01:54	37	145	923 PACIFIC FIGHT	99-52270
001-30	02:10	63	187	120 WASHINGTON/OCEAN 647F	99-52271
001-36	02:48	64	152	101 BAYMOUNT 415D	99-52272
001-38	03:19	30	187	OFFICE FOL UP	99-52251
001-39	03:20	84	175	304 CAYUGA 415D	99-52273
001-40	04:27	67	139	2335 MISSION/MISSION AUD ALARM	99-52274
001-41	05:49	43	152	200 BUTTON 141G 415D	99-52275
001-48	10:16	16	184	434 BARSON/GLASSMAN 911-653L	99-52276
001-55	11:30	19	146	707 RIVERSIDE 459 VEH	99-52277
001-59	11:53	44	188	1411 PACIFIC/NOAHS THEFT	99-52278
001-62	12:10	34	146	510 LEIBRANTDT/SALT 647F PASSED OUT	99-52280
001-63	12:02	21	197	OCEAN/WATER 14601	99-52279
001-66	12:45	51	197	105 PEACH TERRACE H AND R	99-52283
001-68	12:30	12	182	116 CLAY 459	99-52281
001-69	12:53	7	182	48 CAMPBELL 602	99-52282
001-70	12:36	83	184	118 CORAL 647F	99-52284

Agencies can use the activity log to supplement dispatch cards. This practice allows the recording of miscellaneous information deemed important to the agency.

TYPES OF REPORTS

Not all calls for service, nor officer-initiated activities, require a written report. The information recorded on a dispatch card or a daily activity log may be sufficient where no crime has occurred and no follow-up action or retrieval is expected. Two types of reports, therefore, are recommended: numbered reports and incident reports.

Numbered Reports

Numbered reports are those formal, operational reports that must be prepared to meet legal or internal agency requirements. They are reports of crimes, suspected crimes, traffic accidents, other incidents or events, injuries, or fatalities. Numbered reports are subject to retrieval. They contain factual data, describe the incident and surrounding circumstances, and summarize the activities of the responding officers.

Issuing a separate, unique number for each report, whether or not the report will later be retrieved, is not recommended. Numbering every report:

- indicates that all reports are of equal significance with respect to control, storage and retrievability, and
- creates gaps in the numerical sequence of reports in the central report file because dispatch cards are more efficiently filed separate from the central report file.

The numbered report will include the following documents related to the event:

- crime/incident report,
- property report,
- arrest/booking report,
- supplementary reports, and
- supporting documents.

Report Numbering System

The most straightforward report numbering system consists of the last two digits of the current year and a sequential number (for example, 99-0001, 99-0002). All documents relating to a single event will have this uniform number.

Several advantages of this single report numbering system include:

- only one case number series and issuing source is necessary,
- a unique identifier is provided for reports and related documents,
- filing and retrieval are simplified,
- the integrity and security of the reports are protected, and
- decisions concerning retention and destruction dates are more easily made.

A report number should be issued as soon as it is determined that a numbered report will be written. Report numbers should be issued directly by communications personnel from the daily activity log, or a case number control log if dispatch cards are used. This procedure will provide:

- control of the report by a numerical identifier to ensure that the report is completed and the chance of a lost report is reduced,
- the ability to immediately enter data into regional, state and federal automated information systems,
- the ability to immediately relate evidence, property or persons to an incident, and
- report numbers to interested parties at the time of the incident.

Pre-numbered dispatch cards are unnecessary and are not recommended.

Incident Reports

Incident reports generally record noncriminal events that do not require follow-up action. While a brief report on these events may be advisable, a detailed report is unnecessary. The appropriate information can be entered on the complaint dispatch card or daily activity log. Each agency should establish procedures which specify circumstances under which the incident report is to be used.

Some advantages of the incident report are:

- reduction in report preparation and processing time,
- reduction in necessary filing and storage space,
- basic information is recorded with minimum effort,

- reports may be easily processed for statistical data and to measure the allocation of resources to noncriminal, miscellaneous activities,
- reports provide a short-term audit of response to particular events, and
- reports can be destroyed at minimum retention period.

Two options exist for the completion of the narrative portion of incident reports:

1. Communications personnel can enter the disposition and a short narrative on the dispatch card or daily activity log.
2. The assigned officer can describe the incident and submit the complaint dispatch card directly to the line supervisor for approval. Incident reports are an expanded use of the complaint dispatch card and are processed in the same manner. Retrieval is by date and time. The daily activity log provides names, location and type of incident to retrieve the report for later review. A CAD system automatically assigns an incident number which can be given to a citizen wanting a record of police response.

PREPARATION OF REPORTS

The primary purpose of a report is to record and transmit information. An effective report preparation system will ensure:

- prompt completion and review of reports,
- complete and concise reports,
- accuracy of information,
- minimal processing costs, and
- timely availability of information.

To achieve these results, an agency must identify the factors that affect report preparation. Key factors include:

- *personnel time* — costs associated with a report that is written more than once,
- *document handling* — the number of times a report must be transferred between the writer, reviewer and clerical personnel,

- *availability of information* — the additional time required for report processing; i.e., data entry, statistical gathering, and
- *quality of information* — the accuracy of information.

The emphasis of this manual focuses on officer handwritten reports prepared in the field, although it is recognized that report preparation may include dictation or automated systems. Before embarking on a particular report preparation system, an analysis of each is necessary to determine the most feasible system, given local conditions and resources.

Handwritten Reports

Most law enforcement agencies handwrite reports. The reports are usually written in the field, receive supervisory review, and are submitted for processing at the end of each shift.

This system has the following advantages:

- increases report accuracy,
- permits immediate supervisory review,
- promotes more concise reports,
- reduces preparation time and cost,
- promotes prompt availability of information, and
- reduces the document-handling process.

Given these advantages, handwritten reports, rather than typed reports, are recommended. However, there may be instances when typewritten reports are necessary and appropriate. These special circumstances should be clearly defined in written policy and require supervisory approval.

A policy allowing some reports to be typed should describe report typing priorities. Because only a small number of reports are ever distributed outside of the agency, typed reports offer little direct benefit to an agency.

Word-Processed Reports

The typing of reports is an accepted practice in many law enforcement agencies. In some agencies all reports are prepared using word processing; in others, only those reports meeting certain criteria, including the length of report or type of crime, are word processed. With word processing, it is possible to print an original and numerous copies. Word-processed reports and copies look like originals. It is important to distinguish an original report from copies. There are

many different ways to identify the original and the copy. Some agencies use red ink stamps, colored ink original forms, colored paper or bulk pre-stamped paper for copies. There are three primary reasons why reports are word processed. They are:

- *appearance* — a typed document is neat in appearance, and word processing provides a spell checking option to minimize errors.
- *legibility* — a typewritten report is easy to read.
- *copies* — word processing can produce an original and numerous copies and can reduce photocopying.

REPORT REVIEW

Supervisory Report Review

Supervisory report review is a key element in the reporting system. The quality of this review process determines how well the entire system is functioning. Supervisory report review should be described in written policy that outlines the objectives, functions and responsibilities of the process.

In this process the immediate supervisor of the reporting officer reads a completed report and compares it with the established review criteria. Completed reports should be submitted for review prior to or at the end of each shift. Supervisors should review the reports immediately so that the necessary corrections can be made before processing. The time lines of the review/approval process are important factors in its success. Report writing and report review training are important elements of an agency's training program.

The report review process permits the supervisor to evaluate the work of subordinates. Because report review criteria have been described in agency directives, the review process should provide objective comment rather than subjective judgment. Figure I-7, page I-19, provides an example of a report review memo.

The report review process should include:

Editing — for legibility, spelling, grammar, neatness, clarity, conciseness and consistency.

Figure I-7

Example of Report Review Memo

REPORT REVIEW MEMO	CASE NO.: _____
	DATE: _____
TO: _____	
FROM: _____	
REMARKS:	
DISPOSITION:	
TRAINING NEEDS ASSESSMENT:	
<u>REPORT COMPOSITION</u>	<u>INVESTIGATIONS</u>
1. <input type="checkbox"/> Grammar	11. <input type="checkbox"/> Elements of Crime/Law
2. <input type="checkbox"/> Spelling	12. <input type="checkbox"/> M.O.
3. <input type="checkbox"/> Sentence Structure/ Punctuation	13. <input type="checkbox"/> P.C. For Stop/Detention/ Arrest
4. <input type="checkbox"/> Category Report/ Improper Format	14. <input type="checkbox"/> Search/Seizure
5. <input type="checkbox"/> Too Brief/Wordy	15. <input type="checkbox"/> Evidence
6. <input type="checkbox"/> Organization Poor	16. <input type="checkbox"/> Follow-up Incomplete
7. <input type="checkbox"/> Incorrect Use of Slang/ Contractions	17. <input type="checkbox"/> Interview/Interrogation
8. <input type="checkbox"/> Neatness	18. <input type="checkbox"/> Dept. Policy/Procedure
9. <input type="checkbox"/> Classification	19. <input type="checkbox"/> _____
10. <input type="checkbox"/> _____	

Review of Content — to ensure that complete data has been gathered, there is consistency of data between reports associated with the same event, the elements of a crime are present, the organization of the report is logical, the report reflects compliance with established investigative procedures, proper format has been followed, report disposition is correct, and all necessary documents have been included.

Classification — to confirm the original classification of an event according to Uniform Crime Reporting, state and local guidelines.

Correction — to identify deficiencies in reports that are returned for correction.

A procedure should specify the officer's supervisor or other designated individual ensures corrections are made quickly so there is no delay in the flow of information. A sample report correction form, which can be scaled to any size, is illustrated in Figure I-8, page I-21.

Figure I-8

ANYTOWN POLICE DEPARTMENT REPORT CORRECTION FORM			
TO: _____	BADGE # _____	DATE: _____	CASE# _____
CORRECTIONS TO REPORT: _____			

Reviewed by: _____		Badge# _____	
★★★★★			
<i>Officer Instructions: When the attached report is corrected and complete, route to the "To Be Approved" holding tray in the Sergeant's Office.</i>			
DATE: _____			
CORRECTIONS COMPLETED:			
<input type="checkbox"/> As Requested Above		<input type="checkbox"/> As Follows:	

Officer Signature: _____		Badge# _____	

**Records Section
Report Review/
Processing**

When the report is approved by the supervisor, it is routed to Records for processing. Records personnel provide a quality control check on each report received. This check may include initialing the "working copy" of the daily activity log to verify receipt of each report. If additional information is needed for processing, the report should be returned to the approving supervisor with a request for assistance.

Example of processing problems are:

- a missing document,
- inconsistent date of birth or spelling of a name,
- insufficient information for state automated system data entry, and
- inaccurate information contained in the report; e.g., case numbers, offense codes.

An efficient report review process is critical to the accuracy of the entire reporting system.

Staff Inspection

In addition to the supervisory and Records review of reports, continuous staff review and inspection will ensure that the entire reporting process, including supervisory review, meets the objectives of the system. This staff inspection assures that the entire report process is functioning according to design. The review can be performed by an administrative officer, Records Manager, or other designated staff (see the System Audit Procedures section of this manual).

REPORT INDEXING

Accurate and rapid information retrieval are required elements of an effective records system. The indexing process is vital to efficient retrieval. The most efficient means of locating records is by a master alphabetical index. The master index should contain the names of individuals involved in incidents, cross-referenced to the report number. Master index information is at the core of a law enforcement agency's records system.

Names from a report should be added to the master index immediately so that information from a report is readily available.

Maximum care should be taken in creating and maintaining an automated or a manually prepared index file. If your agency uses a manual system, responsibility for filing and re-filing index cards should be retained by Records personnel. Only Records personnel should have access to the file. Periodically, Records personnel should go through the index, card by card, to discover and correct any errors. If your agency uses an automated records management system, policy should address proper name search procedures and avoiding duplicate entries. Automated systems are more difficult to correct and the accuracy of the entry should be routinely checked.

Two basic methods are used to prepare and file index cards:

1. the single entry method, in which a card is prepared for each name and event, and
2. the dossier method in which consecutive entries are made on an existing card for each person/firm involved in an incident. If no card is in file, one is made. If a card is in file, the card must be removed from file, new information added and the card re-filed.

The dossier method of adding information to existing cards is not recommended.

The single-entry method of indexing is recommended. Advantages include:

- index cards are prepared immediately upon receipt of report; clerical time is not expended searching for existing cards that may contain aged information or be misfiled, and
- purging single-entry index cards from the file can be accomplished with minimal effort.

Master index cards and automated records systems should provide information to identify and locate related reports and files. Care should be taken to include only necessary and verified data. If your agency uses an automated system, there is usually an unlimited amount of information that can be entered. Work with your investigations or crime analysis personnel to identify the important information that they need to accomplish their work.

In a manual system, only the names of persons or firms in the following categories should be indexed:

- victim (or reporting person if the victim is unknown) in all numbered reports; if the victim is a firm, the firm name is indexed,
- arrested persons (cross-indexed by aliases, AKAs),
- person(s) named on an arrest warrant,
- drivers involved in motor vehicle accidents, and
- registrants pursuant to Penal Code Sections 290 and 457.1, and Health and Safety Code Section 11590.

The practice of adding suspects to the master index file, whether in a manual or automated records system, may lead to serious problems. Those agencies that choose to index suspect names in the master index must establish safeguards to ensure that the data entered is accurate. A person may be named as a suspect in the original crime report and subsequent investigation may exonerate or eliminate this "suspect." Without a procedure to correct, reclassify, or purge the index card, a

situation is created that could lead to criticism, complaints, and possible litigation. In these instances, policy must clearly define the term "suspect." Furthermore, procedures must be established to provide control and accountability. An agency's policy on records and CORI release should address release of suspect-related information. Arrest, detention and conviction information should be handled differently to protect the rights of the individual.

If an individual is arrested subsequent to the original report, or a warrant is issued, the person's name should be indexed with the appropriate classification when Records staff process the supplemental report.

Of equal importance, purge criteria should assure the removal or change in classification of suspect names in the file. Continuous monitoring of these practices must verify that safeguards are being followed.

Index cards and automated master name files should contain:

1. Name and address of suspect, subject, victim, business, etc. (cross-filed by aliases, AKAs).
2. Case or arrest report number.
3. Date of birth.
4. Date of report.
5. Category of name indexed by classification:

V = Victim

D = Driver/Accident

A = Arrested

RP = Reporting Party

R = Registrant

W = Warrant

6. Crime or event by code section, traffic violation, event by type.

Index files usually contain 3" x 5" cards. A sample single entry master index card is shown below.

(1)	DOE, John Allan	(2)	Arrest/Case #
	212 Main St., L.A., Calif.		
(3)	05/17/62		
(4)	12/20/99	(5)	V
		(6)	459 P.C.

REPORT DISTRIBUTION

After indexing, reports are ready for distribution. This process is a series of activities to disseminate information to the proper sources. Many of these activities are mandated by law, while others are subject to local practices.

This process consists of three types of activities:

1. photocopying reports,
2. distribution of reports, and
3. dissemination of report information.

Photocopying This process may be assigned to an individual or a shift.

Distribution of Reports

- *Investigations* – Copies of reports involving criminal offenses are sent to the investigations unit for information or investigation.
- *Department of Justice* – Penal Code Section 11107 identifies the reports local agencies are required to send to the Department of Justice. DOJ also publishes a document entitled, *Directions for Submission of Crime and Property Reports to the California Department of Justice*. This is available from DOJ/Records Unit.
- *California Highway Patrol* – Vehicle Code Section 20008 identifies the traffic accident reports that must be sent to the California Highway Patrol.

- *Other Federal and State Distribution* – (see the Secondary Processes section of this manual)
 - Federal Bureau of Investigation; bomb incidents/bank robberies,
 - Treasury Department, Secret Service; counterfeiting,
 - Department of Motor Vehicles; Admin per se,
 - Alcohol Beverage Control; Alcohol related incidents,
 - Child Protective Services; Child abuse/neglect,
 - Adult Protective Services; Elder abuse,
 - Local Schools; Employee sex offenses, and
 - State Board of Control, Victim Witness Program; Government Code 13968(d) - Victims of Crimes Act.
- *Court Liaison Officer/District Attorney* – Copies of reports involving an arrest must be sent to the district attorney for complaint preparation. The handling of reports in the preparation of complaints and warrants is a matter to be established by the concerned agencies.
- *Other Agencies* – The reporting officer may request that a copy of a report be sent to another agency. Release of the reports must comply with agency report release policy (see the Security of Information section of this manual).

Periodically, the report distribution process should be reviewed for effectiveness. Factors to be considered are:

- the use of the reports by the recipient,
- the number of copies sent and the number of copies needed,
- the timeliness of the distribution of the reports,
- quality of the reproduction process and the clerical time required to prepare report copies, and
- additions or deletions from the standard distribution lists.

Distribution of Information

This process extracts specific information from reports for a variety of purposes.

- *Uniform Crime Reporting* – Statistical data must be extracted from reports to comply with UCR/BCIA/LEIC reporting requirements (see the Statistics section of this manual).
- *Management Statistical Reporting* – These reporting requirements are unique to each agency (see the Statistics section of this manual).
- *State and Federal Automated Systems* – Certain information must be entered via CLETS into the State automated Criminal Justice Information System (CJIS) and NCIC where applicable. Local law enforcement agencies may enter data into the following automated systems which are accessible 24 hours a day:
 - Stolen Vehicle System (SVS)
 - Automated Boat System (ABS)
 - Automated Firearms System (AFS)
 - Automated Property System (APS)
 - Criminal History System (CHS)
 - Domestic Violence Restraining Order System (DVROS)
 - Missing/Unidentified Persons System (MUPS)
 - Wanted Persons System (WPS)
 - Supervised Release Files (SRF)

California Justice Information System Manual, California Department of Justice, contains regulations and data entry procedures.

COMPLAINT PROCESSING

Complaint processing is the preparation of documents necessary to file a complaint in a court of law. For further reference, including definition, wording, procedure and requirements, see Penal Code Sections 691, 806, 859, 949-952, 957-959, 988.

Felony complaints are usually prepared by the district attorney. Misdemeanor complaints are frequently prepared, in part, by local law enforcement agencies, often in the Records Section. The degree to which an agency prepares a complaint is usually a matter of agreement with the district attorney and the court.

The complaint consists of an accusatory pleading containing the title of the action, the name of the court with jurisdiction, the name of the defendant and a statement of the offense charged. Supporting documents, including a police report, are attached to substantiate the offense charged.

The complaint document is usually a preprinted form onto which the information is entered. Figure I-9, pages I-30 and I-31, is an example of a typical misdemeanor complaint form. This complaint is signed by an officer of the agency and delivered with the supporting documents to the district attorney for review, signature and filing in court.

Complaint preparation by Records personnel usually consists of sending copies of certain categories of reports to a court liaison officer. The court liaison officer is responsible for signing and filing the complaint.

In some agencies, Records personnel assemble a complaint packet to be approved by the district attorney and forwarded to court. Each county's district attorney establishes procedures they wish law enforcement to follow. Agencies should check with their local district attorney's office for additions to the following process.

The five essential elements of complaint processing are:

1. Records Section receives a report with authorization to assemble a complaint packet.
2. Authorization identifies specific charges to be filed.
3. Records personnel prepare a preprinted complaint form, adding date of birth, court name and the specific offense or offenses being charged. The offense is listed by code section, including a narrative explanation.

An easily referenced list of the most common offenses, with narrative wording, is often used to simplify complaint preparation.

4. A complaint packet consisting of copies for the district attorney, court and defendant is prepared.

Each copy consists of the complaint form, offense report and supporting documents, as required.

Supporting documents may include driver's license print-outs, criminal histories, laboratory results, driver's license suspension and revocation letters. For those offenses deemed "recordable" by the Department of Justice, the arresting agency retains the responsibility to create the Disposition of Arrest and Court Action form (JUS 8715). However, your county/agency may have various automated systems in place that will move the JUS 8715 electronically from jail booking to the courts and to the Department of Justice. The JUS 8715 must be included with the complaint.

For additional information on arrest and disposition reporting, see *Arrest and Disposition Information/Applicant Information Manual*, State of California, Department of Justice, Arrest and Disposition Reporting Unit.

5. Complaint packet is sent to the district attorney for review, approval and filing in court.

This briefly describes the extent to which a law enforcement agency Records Section may be involved in the complaint process. This involvement can be limited or extensive, as mutually agreed by the local agencies.

Figure I-9

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF _____

_____ JUDICIAL DISTRICT

CCIN

THE PEOPLE OF THE STATE OF CALIFORNIA)

)

vs.

)

)

)

)

)

Defendant.)

NO.
COMPLAINT
(Misdemeanor)

CALIFORNIA
VEHICLE CODE

23152(a)

23152(b)

The undersigned states, on information and belief, that the above-named defendant did, in this Judicial District, commit a misdemeanor, namely, a violation of the CALIFORNIA VEHICLE CODE SECTION 23152(A) (DUI Alcohol and/or Drugs) in that the defendant on or about _____ did unlawfully and willfully drive a vehicle while under the influence of an alcoholic beverage or a drug, or under the combined influence of alcoholic beverage and a drug.

COUNT TWO:

The undersigned states, on information and belief, that the above-named defendant did, in this Judicial District, commit a misdemeanor, namely, a violation of Section 23152(b) of the CALIFORNIA VEHICLE CODE (Driving at .08 or above), in that the defendant on or about _____, did willfully and unlawfully, while having 0.08 percent or more by weight, of alcohol in his blood, drive a vehicle upon a highway or in an area open to the general public.

Count One and Count Two are alternate statements of the same offense.

Figure I-9 (continued)

Complainant requests that defendant be dealt with according to law. I declare under penalty of perjury the foregoing is true and correct.

Date: _____ at _____, California.

Complainant

Agency



FILING

The methods used to file reports and the manner in which they are stored greatly affect the efficiency of the records system. Filing is a system of arranging and storing documents so that they can be located easily and quickly when needed. Written procedures should identify all files, the contents, authorized access and the method used to file and retrieve documents.

Files must be centralized, conveniently located and arranged for easy retrieval. Centralized files promote accessibility to information, allow better control of documents and reduce unauthorized access. Only Records personnel should have access to the files. Reports, after they are submitted to Records for processing, should not be removed from the Records work area. Records personnel who remove a report from the files should place an out-card in the file identifying the report and where it can be located. Reports should not be maintained at individual work stations.

Numbered Reports

Numbered reports can be filed, in numerical order, by either of two methods:

1. Twenty to twenty-five reports can be filed together in one folder with report numbers placed on each folder tab. The advantages of grouping reports include cost savings and reduced file space.

2. Each report can be filed separately in a numbered folder. The advantage of filing reports in individual folders is ease of retrieval.

Incident Calls for Service

Complaint dispatch cards, special activity cards and miscellaneous incident reports should be filed in chronological order. When retrieval is necessary, the daily activity log will identify the incident and locate the report.

Marijuana Reports

Reports associated with violations of Health and Safety Code, Section 11357(b), (c), (d) or (e), or 11360(b), require special handling. According to Health and Safety Code Section 11361.5, these report are to be purged and destroyed within a specific time frame (see the Records Retention and Destruction section of this manual); however, State reimbursement for purging marijuana reports is no longer available. Your agency may wish to review and update the policy on marijuana purges and retention. Your agency should also evaluate its liability on this issue.

Several methods help to purge marijuana offense reports from the case report files:

- If a citation is issued *every time* an offense is charged, the citations becomes a tickler file to identify reports to be purged. The citations should be filed in a separate, chronological file. Two years from the date on the citation, the associated documents (case report, master alpha index entry, etc.) will be destroyed.
- When a charge is listed on an arrest or booking report without a citation, a copy of the report face sheet can be filed with the citations in a tickler file.
- When the marijuana offense is a secondary offense and a citation is not written, care should be taken to isolate all references to the marijuana offense on the crime report. This will simplify the purge process. No reference to the marijuana offense should be made in the non-marijuana offense report. There will be one report number, but the marijuana offense will be described on a separate sheet. The arrest/booking sheet entry can be eliminated with a black marker.

- In automated record systems, identification of the marijuana reports should be based on the classification of reports for retrieval. A computer printout of all classified reports, which includes the date of arrest, defendant name and disposition, can provide the basis for the purge. When the marijuana offense is secondary, however, the computer must be able to identify reports by a primary classification *and* a secondary classification to ensure a thorough purge program.

These precautionary steps will enable an agency to comply with purge requirements without difficulty.

RECORD RETENTION

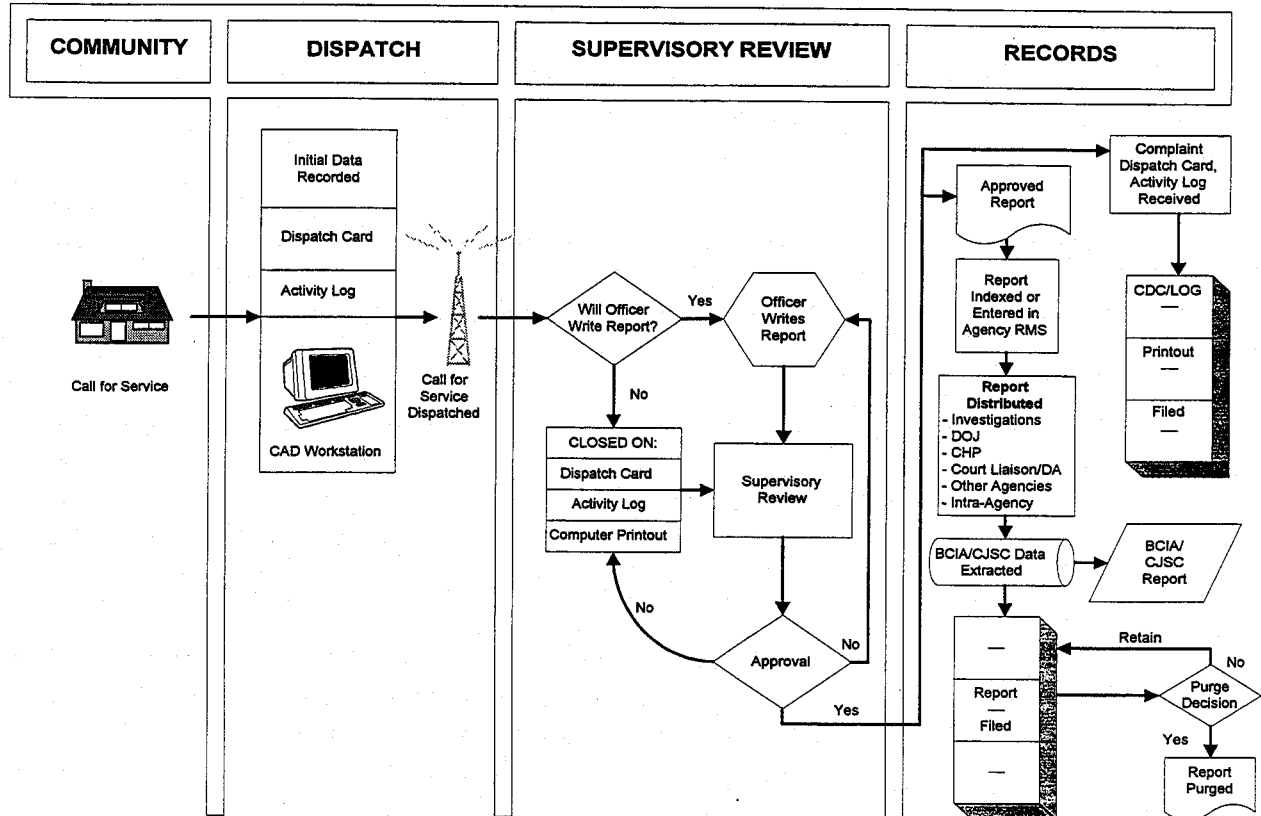
The primary report system has traced a report from the originating recorded telephone call or radio communication which initiates a call for service to placement in the file. Figure I-10, page I-34, provides a Primary Report System flowchart.

The primary report system does not end, however, when the report is filed. Decisions must be made concerning the retention period for specific types of records and reports. Refer to the Records Retention/Destruction section of this manual for detailed information, including specific recommendations on record retention and purging.

Record retention and purge is another area of records management that can be greatly improved by the addition of technology. If your agency is considering automation, be sure you discuss the effects that automation will have and make the necessary changes to your retention policy.

Refer to the Records Retention/Destruction section of the manual for detailed information.

Figure I-10
Primary Report System



Insert Tab #4

Secondary Processes



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT



II. SECONDARY PROCESSES

INTRODUCTION

This section contains information, guidelines and procedures related to secondary files often found in a law enforcement agency. The section is arranged alphabetically by type of file or procedure. Legally mandated processes and files are identified. Optional files and processes are also identified.

Because of the variations in size and circumstances in local agencies, many of these optional processes can be adapted to fit local needs. The Warrant and Subpoena Duces Tecum sections are enhanced by a model directive found in the Model Directives section of this manual.

ALCOHOLIC BEVERAGE CONTROL (ABC) NOTIFICATION

Section 24202 of the Business and Professions Code requires mandatory notification of arrests to the Department of Alcoholic Beverage Control (ABC) by all state and local law enforcement agencies. The notification must provide information on arrests for any penal statute of the State, city or county occurring on an ABC-licensed premise, or an immediately adjacent area under the control of the licensee. Notification must also include any report of arrest of a licensee of the ABC that occurs on or off the licensed premises, or of any person for illegal sale, manufacture or possession of alcoholic beverages. This notification must be provided to the ABC within ten (10) days of the arrest.

Legislation currently encourages law enforcement to track and compile additional statistics of drug and alcohol involvement in any type of incident. Collection of this information is especially important if an agency is considering new forms, RMS upgrade or new CAD system technology. The ABC can provide information on how this additional information can affect planning, licensing and law enforcement patrol enforcement.

CHILD ABUSE

Penal Code Section 11165.6 defines child abuse as a physical injury which is inflicted by other than accidental means on a child (a person under the age of 18 years, Penal Code Section 11165) by another person. It also means the sexual abuse of a child or any act or omission proscribed by Penal Code Section 273a or 273d and the neglect of a child or abuse in out-of-home care, as defined in Penal Code Article 2.5.

Applicable Penal Code Sections include, but are not limited to, 261, 261.4, 261(d), 261.5, 264.1, 273a, 273d, 285, 286, 288, 288(a), 289, 647(a) and 647.6.

Reporting Requirements

Penal Code Section 11169 requires a report of all incidences of child abuse.

Penal Code Section 11165.9 defines a child protective agency as a police or sheriff's department, a county probation department or a county welfare department. A child protective agency must report every incident of suspected child abuse for which it conducts an active investigation. This includes substantiated as well as inconclusive reports. Inconclusive is defined as acts determined not to be unfounded, but there is insufficient evidence to determine whether child abuse or neglect, as defined in Penal Code Section 11165.6, has occurred. Unfounded reports must not be reported.

A child protective agency must also report every suspected incident of child abuse it receives to another child protective agency in the county, the agency responsible for investigations under Welfare and Institution Code Section 300 and the district attorney's office. Reporting with telephone notification is to be made immediately or as soon as is practical; written notification shall follow within 36 hours of receiving information concerning the incident.

Refer to Penal Code Sections 11164-11174.3 for specific reporting requirements.

Reporting Instructions

Child abuse shall be reported on Form SS8583, "Child Abuse Investigation Report," approved and provided by the Department of Justice (see Figure II-1, page II-3). The form is four-part, NCR, and is distributed as follows:

- Pink: Department of Justice
Bureau of Criminal Information and Analysis
P.O. Box 903387
Sacramento, CA 94203-3870
ATTENTION: Child Abuse Unit
- White: Police or Sheriff
- Blue: County Welfare or Probation
- Green: District Attorney's Office

Figure II-1

CHILD ABUSE INVESTIGATION REPORT

D650301

TO BE TYPED OR PRINTED - PRESS FIRMLY - DO NOT USE FELT PEN

CHILD ABUSE INVESTIGATION REPORT

To be Completed by Investigating Child Protective Agency
Pursuant to Penal Code Section 11169
(SHADED AREAS MUST BE COMPLETED)

A. INVESTIGATING AGENCY	INVESTIGATING AGENCY OFFICE (City/County/State) <input type="checkbox"/> POLICE <input type="checkbox"/> WELFARE <input type="checkbox"/> JUVENILE <input type="checkbox"/> PROBATION		AGENCY REPORT NO./CASE NAME	
	AGENCY ADDRESS (Street, City, State, ZIP)		AGENCY TELEPHONE (Area, Ext.)	
	NAME OF INVESTIGATING PARTY		DATE REPORT FIRST MADE (MO, DA, YR)	
	7. AGENCY CROSS-REPORTED TO:		8. PERSON CROSS-REPORTED TO:	
B. INCIDENT INFORMATION	9. DATE OF INCIDENT (MO, DA, YR)		2. TIME OF INCIDENT:	
	4. NAME OF PARTY REPORTING INCIDENT: TITLE:		5. EMPLOYER:	
	6. TELEPHONE: ()			
	7. TYPE OF ABUSE (Check one or more) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> SEVERE NEGLECT <input type="checkbox"/> GENERAL NEGLECT			
C. INVOLVED PARTIES	8. IF ABUSE OCCURRED IN OUT-OF-HOME CARE, CHECK TYPE <input type="checkbox"/> (1) FAMILY DAY CARE <input type="checkbox"/> (2) CHILD CARE CENTER <input type="checkbox"/> (3) FOSTER FAMILY HOME <input type="checkbox"/> (4) SMALL FAMILY HOME <input type="checkbox"/> (5) GROUP HOME OR INSTITUTION-Enter name and address:			
	NAME (Last, First, Middle, AKA)		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	ADDRESS: Street, City, State		DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	PRESENT LOCATION OF VICTIM:		TELEPHONE NUMBER:	
	NAME (Last, First, Middle, AKA)		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	ADDRESS: Street, City, State		DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	PRESENT LOCATION OF VICTIM:		TELEPHONE NUMBER:	
	NAME (Last, First, Middle, AKA)		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	ADDRESS: Street, City, State		DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	PRESENT LOCATION OF VICTIM:		TELEPHONE NUMBER:	
SUSPECTS	NAME (Last, First, Middle, AKA)		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	ADDRESS: Street, City, State		HGT, WGT, EYES, HAIR, SOCIAL SECURITY NUMBER:	
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER		DRIVER'S LICENSE NUMBER:	
	NAME (Last, First, Middle, AKA)		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
OTHER	1. NAME: Last, First, Middle		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	2. NAME: Last, First, Middle		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	3. NAME: Last, First, Middle		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
	4. NAME: Last, First, Middle		AGE (MO, DA, YR) SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	

*RACE CODES: W-White, B-Black, H-Hispanic, I-American Indian, F-Filipino, P-Pacific Islander, C-Chinese, J-Japanese, A-Other Asian, Z-Asian Indian, D-Cambodian, G-Guatemalan, U-Uruguayan, K-Korean, L-Laotian, S-Samoan, V-Vietnamese, O-Other, X-Unknown

CHECK HERE IF ADDITIONAL SHEET(S) IS ATTACHED.

SS 8583 (Rev. 4/98) PINK COPY-DOJ; WHITE COPY-Police or Sheriff; BLUE COPY-County Welfare or Probation; GREEN COPY-District Attorney's Office OSP 98 960

CITATIONS

Although the California Judicial Council has defined the basic format for the "Notice to Appear," there are local variations in citation forms. Some jurisdictions use special citation forms for parking violations and juvenile offenses.

If the agency uses manual master name index cards, we do not recommend entry of citation information. It is easier to retrieve a properly filed citation than it is to enter all the information on a card. If the agency has an automated system, entering all citation information will provide crime analysis data and allow citations to be filed numerically.

Citation Control

To control the citation function, beginning with distribution of citation books and ending with filing/storage of these books, the following basic elements of control are recommended:

- Assigned responsibility;
- Written policy including the void procedure;
- Citation inventory control;
- Citation development and revision procedure;
- Citation number system; and
- Citation ordering and supply procedure.

Checking Citations for Errors

- Does the date correspond with the day of the week?
- Is the court location correct?
- Does the court date correspond with the court's schedule? (Avoid weekends, holidays and any other non-court days.)
- Does the birth date and juvenile/adult status correspond with the court jurisdiction?
- Is a correction letter sent when errors are found?

Identifying Types of Citation

On a monthly basis, most agencies analyze the number and type of citations written by each officer. The most common citation categories are Hazardous, Non-hazardous, Parking, Non-traffic Misdemeanor, and Other. An agency may use other categories. Citation data is used for both operational and administrative decision-making.

These five common categories are defined as follows:

1. Hazardous – generally Vehicle Code violations that are dangerous to the public, such as speeding, reckless driving, DUI, improper turning movements and pedestrian violations.

2. Non-hazardous – generally Vehicle Code equipment violations, registration and driver's license violations, overweight and littering.
3. Parking – includes both Vehicle Code and local ordinance parking violations.
4. Non-traffic Misdemeanor – includes Penal Code, Business and Professions Code, Health and Safety Code and other similar violations.
5. Other – may include municipal or county code violations not included in the above categories. Examples are business license, animal control and solicitor licensing violations.

Filing Citations

A copy of each citation will be filed in Records according to the retention schedule.

There are a variety of filing methods for citations. In determining the best method, the question to be answered is, "How are citations accessed?"

The two most common reasons for retrieving a citation are:

- The defendant has lost the citation and needs information, and
- An officer has received a subpoena and needs a copy of the citation. The subpoena may not include the citation number, but always includes the defendant's name.

Given these reasons, the citation can easily be retrieved by the defendant's last name. However, alphabetical filing is time-consuming and presents purge problems. The more efficient method is:

- The citation file should contain 26 compartments corresponding to the letters of the alphabet. The citations are filed by the first letter of the defendant's last name, and by chronological order within each letter section. This is a modified alphabetical order; for example, the citations issued to individuals whose last name starts with "A" will be filed in chronological order in the "A" section.
- The name of the defendant and the approximate date of the citation are often known when retrieval is necessary.

- The chronological aspect of the filing method simplifies purging.

Transmittal of Citations to Court

Citations sent directly to court should be transmitted daily. These are usually traffic citations. A citation control register is not recommended but may be used to verify that citations were sent to the court. This register is not recommended because additional clerical effort is required. The agency's copy of the citation, with the processing notes affixed, should be sufficient record of transmittal to court.

Parking Appeals

Section 40215 of the Vehicle Code states that, "For a period of 21 calendar days from the issuance of a notice of parking violation or 14 calendar days from the mailing of a notice of delinquent parking violation, a person may request an initial review of the notice by the issuing agency...If, following the initial review, the issuing agency is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the issuing agency shall cancel the notice of parking violation or notice of delinquent parking violation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice." The section goes on in detail with the steps that must be followed.

The next step in the process if a person is not satisfied with the results of the investigation is to request an administrative review.

The Vehicle Code also has specific language located in Section 40202 (a) which will allow a law enforcement agency to cancel a citation after it has been written. That section contains within subsection (c) an admonishment, "Any person, including the issuing officer and any member of the officer's department or agency, or any peace officer who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed the face of the remaining original or any copy of a citation that was retained by the officer, before it is filed with the processing agency or with a person authorized to receive the deposit of the parking penalty, is guilty of a misdemeanor."

Special Processing

Marijuana citations, the most common citations that require special processing, are issued for possession of less than one ounce of marijuana. These citations and accompanying reports must be destroyed after a specific retention period (see the Primary Report

System and Records Retention and Destruction sections of this manual).

Other Misdemeanor Citations – Some counties permit minor misdemeanor citations to be directly transmitted to court. Others require a report to supplement the information on the citation. Consult with the district attorney to establish local policy. A copy of the citation should be filed with the report. The agency copy of the citation is filed in the usual citation file.

Each agency should establish a policy for indicating “booking required” pursuant to Penal Code (PC) Section 853.6(g) when issuing a citation for recordable offenses (e.g., 488 PC, 240 PC, 415 PC, etc.). An amendment was added to Section 853.6 PC to better ensure that misdemeanor defendants are fingerprinted for recordable offenses.

The amendment provides that the officer may book the arrested person prior to release, or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or fingerprinted prior to court. If the citation indicated that the arrested person is to be booked or fingerprinted, the court would be required to order the defendant to provide verification of the booking before the proceedings begin. If no verification is provided, the court may require verification at the next court appearance. The arresting agency is required to provide verification to the arrested party at the time of booking or fingerprinting.

Section 853.6 in part reads:

- (a) In any case in which a person is arrested for an offense declared to be a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the person is released, the officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, and the time when, and place where, the person shall appear in court.
- (g) The officer may book the arrested person prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the date the arrested person appears in court. If it is indicated on the citation

that the arrested person shall be booked or fingerprinted prior to the date of the person's court appearance, the arresting agency at the time of booking or fingerprinting shall provide the arrested person with verification of the booking or fingerprinting by either making an entry on the citation or providing the arrested person a verification form established by the arresting agency. If it is indicated on the citation that the arrested person is to be booked or fingerprinted, the magistrate, judge, or court shall, before the proceedings begin, order the defendant to provide verification that he or she was booked or fingerprinted by the arresting agency. If the defendant cannot produce the verification, the magistrate, judge, or court shall require that the defendant be booked or fingerprinted by the arresting agency before the next court appearance, and that the defendant provide the verification at the next court appearance unless both parties stipulate that booking or fingerprinting is not necessary.

Juvenile Citations – In general, juvenile traffic citations are handled separately from adult traffic matters. Juvenile misdemeanor citations usually are sent to Juvenile Probation with a copy of the offense report. A copy of the citation is attached to the original offense report and filed in the master case file. A copy of the citation may be filed in the citation file. Check your local court procedures for juvenile traffic citations.

Notice of Correction Citations – These are commonly called “fix-it tickets.” In many instances, the driver will correct the deficiency and return to the law enforcement agency to have the violation “signed-off” on the driver's copy. This may be done by an officer or other authorized employee. In addition, Government Code Section 26746.1 provides that a \$10.00 fee may be collected to cover this service. The agency copy of the citation can be filed in the citation file.

CORONER RECORDS

Coroner records are defined as those documents that record the investigation into the cause(s) of death.

In order to avoid a conflict of interest, an agency that is a joint Sheriff-Coroner should file these records with the Coroner's Office. Coroner records should be maintained separately in coroner report number order. The subject's name can be included in the agency's master index file, cross-referenced to the coroner report number.

Government Code Section 27491 requires that all coroner investigations into the cause(s) of death must include:

- Toxicology report,
- Autopsy report,
- Coroner's report,
- Fingerprints required under Penal Code Section 11109, and
- Finalized Death Certificate.

After the death certificate has been finalized, four records become public information and copies can be obtained at a cost that should be established by ordinance. Only the following records are public information:

- Toxicology report,
- Autopsy report,
- Coroner's report, and
- Death Certificate.

Additional records may be generated during a coroner investigation. The following records are **NOT** public:

- Law enforcement reports, unless determined by the law enforcement agency to be public information under Government Code Section 6254(f) or appropriate local "sunshine ordinance."
- Criminal history records which are obtained after the submission of fingerprints to DOJ.
- Photographs of the deceased pursuant to Code of Civil Procedures Section 129: "...no copy, reproduction, or facsimile of any kind shall be made of any photograph, negative, or print, including instant photographs and video tapes, of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the coroner..."

Photographs may be used in a criminal action or proceeding which relates to the death of that person. A court order may also be issued after good cause has been shown and written notification of the court order has been served upon the district attorney.

Any report(s) can be withheld by order of the district attorney. Check with the district attorney's office and/or the homicide detective prior to releasing information during a criminal action or proceeding.

DETENTION CERTIFICATES

Under Penal Code Section 851.6(a), when a person is arrested and released pursuant to paragraphs (1) or (3) or Penal Code Section 849(b), the person shall be issued a certificate, signed by the releasing officer or his/her superior, describing the action as a detention.

Also, in a case where a person was arrested, released and no accusatory pleading was filed, the person shall be issued a certificate by the law enforcement agency which arrested him/her describing the action as a detention. The law enforcement agency will be notified of the filing rejection under return of the Disposition of Arrest and Court Action (JUS 8715) from the prosecuting attorney.

The form and content of the detention certificate shall be prescribed by the Attorney General. See Figure II-2, pages II-11 and II-12.

The law enforcement agency must also update its records and notify DOJ so that any reference to the action shall refer to it as a "detention," not an arrest (refer to Penal Code Section 851.6[d]).

Figure II-2

DETENTION CERTIFICATE

As required by the provisions of Penal Code Section 851.6, I hereby certify that the taking into custody of

_____ on _____
(SUBJECT'S NAME) (DATE)
by the _____ was a detention only, not an arrest.
(NAME OF AGENCY TAKING CUSTODY)

_____ was released on _____ by
(SUBJECT'S NAME) (DATE)
the _____ . Pertinent portions of Penal Code
(NAME OF RELEASING AGENCY)

Sections 849, 849.5 and 851.6 are included as part of this certificate.

SIGNATURE OF RELEASING OFFICIAL: _____

TITLE AND/OR ID. NO.: _____

THE FOLLOWING MUST BE INCLUDED AS PART OF THE CERTIFICATE:

Penal Code Section 849 provides:

- (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.
- (b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:
 - (1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.
 - (2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.

-over-

Figure II-2 (continued)

- (3) The person was arrested only for being under the influence of a controlled substance or drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.
- (c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

Penal Code Section 849.5 provides:

In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, any record of arrest of the person shall include a record of release. Thereafter, the arrest shall not be deemed an arrest, but a detention only.

Penal Code Section 851.6 provides, in part:

- (a) In any case in which a person is arrested and released pursuant to paragraph (1) or (3) of subdivision (b) of Section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention.
- (b) In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, the person shall be issued a certificate by the law enforcement agency which arrested him describing the action as a detention.



DISPOSITION OF ARREST AND COURT ACTION FORM

Purpose

The purpose of the Disposition of Arrest and Court Action Form (JUS 8715) is to report the disposition of an arrest, warrant arrest, indictment and/or subsequent action(s) to the Department of Justice for each offense. This form should be included with the case documentation and stay with the case as it proceeds through the criminal justice system from point of arrest to final adjudication.

DOJ is in the process of drafting a *juvenile* JUS 8715 form.

Initiation Procedures

The arresting agency is responsible for initiating and reporting all information in Section A (Law Enforcement Information) on the JUS 8715 form for all arrests involving recordable offenses. See Figure II-3, page II-14. The arrest information should be the same as submitted on the arrest fingerprint card or as indicated on the citation. The form should be included with the case documentation when it is submitted to the prosecutor or the court. This includes:

- a. Citations,
- b. On-view arrests,
- c. In-county and out-of-county warrant arrests, and
- d. In-county and out-of-county bench warrant arrests.

Even when the defendant is not fingerprinted for a recordable offense, a JUS 8715 form should be initiated. Although the arrest and disposition data will not be entered on the criminal history record, the information will be used by the Bureau of Criminal Information & Analysis/Law Enforcement Information Center (LEIC).

The JUS 8715 form must be submitted to the Department of Justice within 30 days after disposition pursuant to Penal Code Sections 11115 and 13151. Forms may be ordered from DOJ by telephone at 916-227-3397, by FAX (preferred method) using the JUS 8715/8715A Forms Request form (Figure II-4, page II-15), or by writing to:

California Department of Justice
Bureau of Criminal Identification & Information
Disposition Update Section
P.O. Box 903417
Sacramento, CA 94203-4170

Department of Justice can provide forms to be completed manually, or forms that feed through automated printers. If your booking facility is moving in the direction of automated fingerprinting (Live Scan),

Figure II-3

DISPOSITION OF ARREST AND COURT ACTION FORM (JUS 8715)

DISPOSITION OF ARREST AND COURT ACTION																																							
A. LAW ENFORCEMENT INFORMATION NAME (LAST, FIRST, MIDDLE)															FP CARD/CA NO.					CI NO.																			
SEX	RACE	HGT	DOB	AGE	ARRESTING AGENCY										BOOKING/CTE NO.					FBI NO.																			
ARREST DATE					BOOKING AGENCY										CRIME REPORT NO.					S.S. NO.																			
CHARGE 1 (SECTION, CODE)					TYPE		CHARGE 2 (SECTION, CODE)					TYPE		IN-COUNTY WARR. NO.					D.L. NO.																				
CHARGE 3 (SECTION, CODE)					TYPE		CHARGE 4 (SECTION, CODE)					TYPE		REMARKS																									
REASON FOR RELEASE										RELEASED DATE					OUT-OF-COUNTY WARRANT INFORMATION																								
<input type="checkbox"/> 849(b)(1) PC: <input type="checkbox"/> COMPL. REFUSES TO PROS. <input type="checkbox"/> ARRESTEE EXONERATED <input type="checkbox"/> FURTHER INVEST. <input type="checkbox"/> ADMISS. EVID. INSUFF. <input type="checkbox"/> ASCERT. EVID. INSUFF.										<input type="checkbox"/> 849(b)(2) PC <input type="checkbox"/> 849(b)(3) PC <input type="checkbox"/> OTHER LAW ENFORCEMENT DISPOSITION (SPECIFY)					WARRANT NO. ISSUING AGENCY MAJOR OFFENSE RELEASE DATE					<input type="checkbox"/> RELEASED ON BAIL <input type="checkbox"/> EXTRADITION PROCEEDINGS <input type="checkbox"/> CITED AND RELEASED <input type="checkbox"/> RELEASED/ENROUTE TO OTHER AGENCY/JURISDICTION (SPECIFY)																			
B. PROSECUTION INFORMATION					DATE					REASON FOR REJECTION					<input type="checkbox"/> 1203.2 PC - IN LIEU OF FILING <input type="checkbox"/> REFILED - ORIGINAL CASE DISMISSED					ORIG. COURT JUD. DIS. NUMBER ORIG. COURT CASE NUMBER																			
C. COURT LOWER COURT					DATE FILED					L.C. JUD. DIST. NO.					FILE NO.					CONSOLIDATED FILE NO.					TYPE OF TRIAL <input type="checkbox"/> COURT <input type="checkbox"/> JURY														
SUPERIOR COURT					DATE FILED					S.C. JUD. DIST. NO.					FILE NO.					CONSOLIDATED FILE NO.																			
TYPE OF FILING										<input type="checkbox"/> INFORMATION <input type="checkbox"/> CERTIFICATION <input type="checkbox"/> INDICTMENT										TYPE OF TRIAL										<input type="checkbox"/> JURY <input type="checkbox"/> COURT <input type="checkbox"/> TRANSCRIPT									
CHRG	FILE LEVEL	FIRST PLEA	FINAL PLEA	DISPOSITION				DISPO DATE				CHARGES AND ENHANCEMENTS AT DISPOSITION										DISPO LEVEL				17 PC													
	I	M	F	NO	NOI	D	HOLD	CONV	DISM	CERT	ACQ	SECTION/CODE/LITERAL										I	M	F															
1																																							
2																																							
3																																							
4																																							
D. ADMONISHMENTS AND WAIVERS																				<input type="checkbox"/> RIGHT TO TRIAL BY JURY <input type="checkbox"/> PRIVILEGE AGAINST COMPULSORY SELF INCRIMINATION <input type="checkbox"/> RIGHT TO CONFRONT AND CROSS EXAMINE WITNESSES <input type="checkbox"/> CHARGES AND DIRECT CONSEQUENCES OF PLEA <input type="checkbox"/> DEFENDANT REPRESENTED BY COUNSEL										<input type="checkbox"/> WAIVED <input type="checkbox"/> WAIVED <input type="checkbox"/> WAIVED									
E. SENTENCE INFORMATION										DATE OF SENTENCE										TRUE NAME																			
CHRG	U	PC	SS	PROB	JAIL	FINE	RSTN	JAIL OR FINE	COND	CONS	VOL	COSTS	CYA	PRISON SENTENCE INFORMATION																									
	X	X		MOE	DATE	DAYS/HR	X	SUS	X	DATE	PAD	COMM	SUS	X	X	X	X	X	TOTAL FIXED TERM (ALL COUNTS) YEARS MONTHS STAYED INFORMATION (SPECIFY COUNTS) <input type="checkbox"/> CONE <input type="checkbox"/> CONE <input type="checkbox"/> SUSPENDED W/CASE NO.																				
1																																							
2																																							
3																																							
4																																							
CONDITION OF PROBATION										REMARKS																													
<input type="checkbox"/> FIREARMS PROHIBITED																																							
F. CLERK OF THE COURT'S CERTIFICATION																				I CERTIFY THAT THE FOREGOING IS A CORRECT ABSTRACT OF THE DISPOSITION OF ARREST AND COURT ACTION IN THIS CASE																			
PRINTED OR TYPED SIGNATURE AND TITLE															DATE AND COUNTY																								
G. PROCEEDINGS SUSPENDED										<input type="checkbox"/> LC/SC BENCH WARRANT ISSUED <input type="checkbox"/> LC/SC DIVERSION <input type="checkbox"/> LC/SC 1026 PC - NOT GLTY. INSANE <input type="checkbox"/> DEFERRED ENTRY OF JUDGEMENT										<input type="checkbox"/> LC/SC 3050 W1 - NARC. COMM. <input type="checkbox"/> LC/SC 1388/1370 PC - FOUND MENTALLY INCOMPETENT - COMMITTED <input type="checkbox"/> SC 3051 W1 - NARC. COMM. <input type="checkbox"/> SC 1203.03 PC - 90 DAY OB. <input type="checkbox"/> SC 707.2 W1 - 90 DAY OB.																			
DATE																																							

JUS 8715 (REV. 7/98)

COPIES: DOJ-Orange; FBI-Black; ARREST AGENCY-Navy; COURT-Green

Figure II-4

**DEPARTMENT OF JUSTICE
DIVISION OF JUSTICE INFORMATION SERVICES
BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION**

JUS 8715/8715A FORMS REQUEST

TO: DISPOSITION OPERATIONS SECTION

FAX Number: 916-227-3382

FROM:

Requestor's Name: _____

Requesting Agency: _____

Address: _____

Telephone Number: _____

Please send the following:

Quantity of Combined JUS 8715 & 8715A:

☐ **Regular** _____

☐ **Continuous Feed** _____

Quantity of JUS 8715A Only

☐ **Regular** _____

funding may be available to assist counties with automated production and “seamless” transmission (to DOJ) of both the JUS 8715 and fingerprints. Contact your Department of Justice, Criminal History Improvement Unit representative.

The *Arrest and Disposition Instruction Manual* is available upon request to the DOJ Field Operations Unit, Arrest and Disposition Training Unit. This Unit also provides training on the proper completion of the form.

ELDER AND DEPENDENT ADULT ABUSE

Definitions

The Welfare and Institutions Code (WIC) defines the following:

- *Elder* – any person residing in this state, 65 years of age or older (15610.27 WIC).
- *Dependent Adult* – (a) any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age; (b) any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2 and 1250.3 of the Health and Safety Code (15610.23 WIC).
- *Abuse* – (a) physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; (b) the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering (15610.07 WIC).

Definitions of Offenses

The Welfare and Institutions Code defines the following:

- *Physical Abuse* – (a) assault as defined in 240 PC; (b) battery as defined in 242 PC; (c) assault with a deadly weapon or force likely to produce great bodily injury as defined in 245 PC; (d) unreasonable physical constraint, or prolonged or continual deprivation of food or water; (e) sexual assault, that means sexual battery as defined in 243.4 PC, rape as defined in 261 PC, rape in concert as described in 264.1 PC, spousal rape as defined in 262 PC, incest as defined in 285 PC, sodomy as defined in 286 PC,

oral copulation as defined in 288a PC, or penetration of a genital or anal opening by a foreign object as defined in 289 PC; (f) use of a physical or chemical restraint or psychotropic medication for punishment, for a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California who is providing medical care to the elder or dependent adult at the time the instructions are given, or for any purpose not authorized by the physician and surgeon (15610.63 WIC).

Physical abuse of any elder or dependent adult can be charged under Penal Code Section 368(a) and the following Penal Code Sections:

- (a) 240 PC – Assault
- (b) 242 PC - Battery
- (c) 245 PC – Assault with a deadly weapon or force likely to produce great bodily injury

Sexual abuse of any elder or dependent adult can be charged under Penal Code Section 368(a) and corresponding Penal Code Sections.

- *Neglect* – (a) the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise; (b) the negligent failure of the person themselves to exercise that degree of care that a reasonable person in a like positions would exercise (15610.57 WIC).

Neglect includes, but is not limited, to the following:

- (1) Failure to assist in personal hygiene or to provide food, clothing or shelter.
 - (2) Failure to provide medical care for physical and mental health needs.
 - (3) Failure to protect from health and safety hazards.
 - (4) Failure to prevent malnutrition or dehydration.
- *Mental Suffering* – fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by threats, harassment, or other forms of intimidating behavior (15610.53 WIC).

- *Financial Abuse* – a situation in which one or both of the following apply: (15610.30 WIC)
 - (1) A person, including, but not limited to, one who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property, to any wrongful use, or with the intent to defraud.
 - (2) A situation in which all of the following conditions are satisfied:
 - (A) An elder (who would be a dependent adult if he or she were between the ages of 18 and 64) or dependent adult or his or her representative requests that a third party transfer to the elder or dependent adult or to his or her representative, or to a court appointed receiver, property that meets all of the following criteria:
 - (i) The third party holds or has control of the property.
 - (ii) The property belongs to, or is held in express trust, constructive trust or resulting trust for, the elder or dependent adult.
 - (iii) The ownership or control of the property was acquired in whole or in part by the third party or someone acting in concert with the third party from the elder or dependent adult at a time when the elder or dependent adult was a dependent adult or was a person who would have been a dependent adult if he or she had then been between the ages of 18 and 64.
 - (B) Despite the request for the transfer of property, the third party without good cause either continues to hold the property or fails to take reasonable steps to make the property readily available to the elder or dependent adult, to his or her representative or to a court appointed receiver.
 - (C) The third party committed acts described in this paragraph in bad faith. A third party shall be deemed to have acted in bad faith if the third party either

knew or should have known that the elder or dependent adult had the right to have the property transferred or made readily available.

Reporting Requirements

Welfare and Institutions Code Section 15630(a) requires certain professional occupations, including law enforcement agencies, to report cases of elder and dependent adult abuse, to designated authorities.

When reporting elder and dependent adult abuse, Welfare and Institutions Code Section 15630(b)(1) requires the mandated reporter to report the known or suspected abuse by telephone immediately, or as soon as practically possible, and in writing within two working days. A report is required for each incident and each victim.

Telephone reports of a known or suspected instance of elder or dependent adult abuse shall include the following:

- name of person making the report,
- name and age of the elder or dependent adult,
- present location of the elder or dependent adult,
- names and addresses of family members or any other person responsible for the elder or dependent adult's care, if known,
- nature and extent of the elder or dependent adult's condition,
- date of incident, and
- any other information (15630(e) WIC).

Suspected elder or dependent adult abuse shall be reported on Form SOC 341 (see Figure II-5, Page II-20). This form can be obtained from the county adult protective services agency.

Figure II-5

REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE

STATE OF CALIFORNIA - HEALTH AND WELFARE AGENCY

CONFIDENTIAL

DEPARTMENT OF SOCIAL SERVICES

REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE

TO BE COMPLETED BY REPORTING PARTY, PLEASE PRINT OR TYPE, SEE GENERAL INSTRUCTIONS ON REVERSE SIDE

RECEIVING AGENCY USE ONLY	
County APS/Ombudsman Case Number	SSN
Law Enforcement Case/File Number	

A. VICTIM

NAME (LAST NAME FIRST)	AGE	DATE OF BIRTH	SEX: <input type="checkbox"/> M <input type="checkbox"/> F	RACE	LANGUAGE (✓ CHECK ONE) <input type="checkbox"/> NON-VERBAL <input type="checkbox"/> ENGLISH <input type="checkbox"/> OTHER (SPECIFY)
ADDRESS (IF FACILITY, INCLUDE NAME)			CITY	TELEPHONE	
PRESENT LOCATION (IF DIFFERENT FROM ABOVE)			CITY	TELEPHONE	
<input type="checkbox"/> DEVELOPMENTALLY DISABLED <input type="checkbox"/> MENTALLY DISABLED <input type="checkbox"/> PHYSICALLY HANDICAPPED <input type="checkbox"/> BRAIN IMPAIRED <input type="checkbox"/> FRAIL/ELDERLY (Functionally impaired) <input type="checkbox"/> HOSPITALIZED ADULT <input type="checkbox"/> UNKNOWN					

B. REPORTING PARTY

NAME (print)	SIGNATURE	OCCUPATION	DATE OF THIS WRITTEN REPORT
RELATION TO VICTIM	WHERE TO CONTACT: (STREET) (CITY) (ZIP CODE)	TELEPHONE	

C. INCIDENT INFORMATION

DATE/TIME OF INCIDENT(S)	PLACE OF INCIDENT (✓ CHECK ONE) <input type="checkbox"/> OWN HOME <input type="checkbox"/> COMMUNITY CARE FACILITY <input type="checkbox"/> HOSPITAL <input type="checkbox"/> HOME OF ANOTHER <input type="checkbox"/> NURSING FACILITY <input type="checkbox"/> OTHER	ADDRESS	LEARNED OF INCIDENT BY (✓ CHECK ONE) <input type="checkbox"/> VERBAL REPORT <input type="checkbox"/> OBSERVATION
--------------------------	--	---------	---

D. REPORTED TYPES OF ABUSE (✓ CHECK ALL THAT APPLY)

1. PERPETRATED BY OTHERS		2. SELF-INFLICTED	
a. <input type="checkbox"/> PHYSICAL <input type="checkbox"/> ASSAULT/BATTERY <input type="checkbox"/> CONSTRAINT OR DEPRIVATION <input type="checkbox"/> SEXUAL <input type="checkbox"/> PHYSICAL AND/OR CHEMICAL RESTRAINT, MEDICATION, ISOLATION (CIRCLE ONE OR MORE)	b. <input type="checkbox"/> OTHER (SPECIFY) c. <input type="checkbox"/> NEGLECT d. <input type="checkbox"/> ABANDONMENT e. <input type="checkbox"/> MENTAL SUFFERING f. <input type="checkbox"/> FIDUCIARY g. <input type="checkbox"/> OTHER (SPECIFY)	a. <input type="checkbox"/> PHYSICAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> SUBSTANCE ABUSE <input type="checkbox"/> OTHER PHYSICAL ABUSE	b. <input type="checkbox"/> SUICIDAL c. <input type="checkbox"/> FIDUCIARY d. <input type="checkbox"/> OTHER (SPECIFY)
ABUSE RESULTED IN (✓ CHECK ALL THAT APPLY) <input type="checkbox"/> NO PHYSICAL INJURY <input type="checkbox"/> MINOR MEDICAL CARE <input type="checkbox"/> HOSPITALIZATION <input type="checkbox"/> CARE PROVIDER REQUIRED <input type="checkbox"/> DEATH <input type="checkbox"/> OTHER (SPECIFY) <input type="checkbox"/> UNKNOWN			

E. REPORTER'S OBSERVATIONS, BELIEFS, AND STATEMENTS BY VICTIM IF AVAILABLE. (LIST ANY POTENTIAL DANGER FOR INVESTIGATOR.) (ATTACH ADDITIONAL INFORMATION.)

F. COLLATERAL CONTACTS (INCLUDE PERSONS BELIEVED TO HAVE KNOWLEDGE OF VICTIM OR ABUSE, IF AVAILABLE)

NAME	ADDRESS	TELEPHONE NO.	RELATIONSHIP

G. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM. (IF UNKNOWN, LIST CONTACT PERSON).

NAME	IF CONTACT PERSON ONLY ✓ CHECK <input type="checkbox"/> RELATIONSHIP
ADDRESS	TELEPHONE

H. RELATIONSHIP OF SUSPECTED ABUSER TO THE VICTIM

NAME OF SUSPECTED ABUSER	<input type="checkbox"/> CARE CUSTODIAN (type) <input type="checkbox"/> PARENT <input type="checkbox"/> OFFSPRING <input type="checkbox"/> OTHER <input type="checkbox"/> HEALTH PRACTITIONER (type) <input type="checkbox"/> SPOUSE <input type="checkbox"/> OTHER RELATION (Specify)
ADDRESS	TELEPHONE SEX: <input type="checkbox"/> M <input type="checkbox"/> F RACE AGE D.O.B. HEIGHT WEIGHT EYES HAIR

I. VERBAL REPORT MADE (Check one ☐ Reported to Agency (See No. 1-5 on reverse side) ☐ Received by Agency (See No. 6 on reverse side).

AGENCY:	OFFICIAL CONTACTED:	TELEPHONE	DATE:	TIME:
---------	---------------------	-----------	-------	-------

J. AGENCY USE ONLY

1. <input type="checkbox"/> Evaluated/Investigation not warranted By:
2. Assigned <input type="checkbox"/> ER <input type="checkbox"/> Non-ER To:
3. Cross-Reported to: <input type="checkbox"/> Ombudsman <input type="checkbox"/> Law Enforcement <input type="checkbox"/> CCL or Health Lic. <input type="checkbox"/> Professional Board <input type="checkbox"/> BMF & PA <input type="checkbox"/> APS <input type="checkbox"/> Other [Specify]

SOC 341 (4-90)

90 89920

FIREARMS

Dangerous Weapons Control Law

Legislation passed in 1993 regulating and expanding control of deadly weapons amended Penal Code Sections 12000-12809. California cities and counties have responsibility to comply with the provisions which include firearm transfers, licensing, dealer licensing and concealable firearms. Firearms, except for long guns, may only be sold or transferred to persons who obtain a Basic Firearm Safety Certificate. There is a 10-day waiting period for any concealable firearm that is sold or transferred to new owners per 12071-7 2 PC. Part of this legislation is the *Roberti-Roos Assault Weapons Control Act of 1989*. For more detailed information, refer to the pamphlet(s) *California Firearms Law* or *Dangerous Weapons Control Law* distributed by the Department of Justice, BCII.

Additionally, Welfare and Institutions Code Sections 8100-8108 created new mandates for reporting by mental health professionals and law enforcement. The mental health reporting will affect the way a law enforcement agency releases weapons to individuals. Mental health clearance is available via telephone communication to DOJ. Existing agency policy should reflect consideration of the legal and civil liability issues.

- A subject admitted to a facility under Section 5150 of the Welfare and Institutions Code as a danger to self or others (and assessed under 5151) may not possess or purchase a firearm for five years (unless permitted by court order). The mental health facility is required to report to DOJ regarding the admission of the subject.
- When a mental health professional receives communication from a patient of serious threats of violence against an identifiable victim(s), that mental health professional must report the threat to the local law enforcement agency. The law enforcement agency forwards the report to the Department of Justice. DOJ will notify the subject of the prohibition to possess, purchase or attempt to purchase any type of deadly weapon for six months.
- No person found by a court of law as "not guilty by reason of insanity," "mentally incompetent," or placed in conservatorship, shall purchase, possess, or receive firearms or deadly weapons. The court shall notify DOJ of the court's findings. This information will be confidential but will be used by DOJ to determine eligibility to purchase or possess firearms.

DOJ depends on local agencies to check records of individuals who want to retrieve weapons that have been held as evidence or safekeeping. A query to CLETS will allow your agency to verify

Automated Firearms System (AFS) and the Wanted Persons System (WPS) via CLETS for hits on weapon special attention "flags." One should also verify Restraining Order Files in the DVROS system for weapon prohibition flags per Penal Code Section 12021(g). However, the mental health restrictions are not automated and some criminal history dispositions may not be automated. Call DOJ for clearance.

Family Code Section 6389(c) allows the court, upon issuance of a domestic violence protective order, to additionally require the respondent to relinquish any firearms for the duration of the order. If the court orders relinquishment, the firearms must be delivered to an identified law enforcement agency. Agencies should have procedures for accepting, retaining and caring for the firearms. Refer to Restraining Orders, pages II-72 through II-80.

License and Sales

Dealers in dangerous weapons have the responsibility to comply with the provisions of Penal Code Sections 12070-12084, 12250, 12290, 12420 and 12435. These sections outline licensing requirements for dealers and for the cities and counties that must assure compliance. Penal Code Section 12071(e) requires the Department of Justice to keep a centralized list of all licensed dealers. If a dealer is removed from the list, DOJ must notify local law enforcement and licensing authorities in the jurisdiction. The Department of Justice provides more detailed information about licensing and the DROS process on request. See Penal Code Section 12080(a).

California cities and counties have the responsibility to comply with the provisions of Penal Code Sections 12070 and 12071. These sections outline licensing requirements for dealers in concealable firearms.

The dealer is responsible, under Penal Code Section 12076, to provide two copies of the original sheet of the register to the California Department of Justice on the date of the application to purchase the firearm.

Local agency Records Sections may be involved with:

- disposal of forfeited weapons,
- licensing dealers of firearms and dangerous weapons, and/or
- processing the Dealer's Record of Sale, especially those concerning concealable weapons.

If the dealer is notified of prohibition and the firearm is a pawn or consignment, they will deliver the firearm to the local law enforcement

agency. The agency will dispose of the weapon. The ownership of the weapon may not be transferred to another in order to remove the prohibition.

Penal Code Section 12071 requires all firearms dealers to obtain and display a license and pay annual fees. An agency should be aware of the changes to the law and direct dealers, as appropriate, to the Department of Justice. The process of obtaining a license includes:

- a valid Federal Firearms License (FFL),
- various local regulatory or retail business license(s),
- a valid seller's permit issued by the State Board of Equalization, and
- a valid Certificate of Eligibility issued by DOJ.

Penal Code Section 12070 makes it a misdemeanor to sell firearms without a license. Dealers may not sell ammunition to any person under the age of 18 years per 12316 PC.

Questions regarding these laws may be directed to the Department of Justice, Dealer's Record of Sale Section at (916) 227-3703. This section is responsible for concealable handgun sales and dealer information and assists local agencies with firearms-related questions. The law is summarized in a DOJ pamphlet, *Dangerous Weapons Control Law*. Single copies may be obtained from the Dealer's Record of Sale Section.

Questions concerning firearms information in DOJ's Automated Firearms file and questions concerning other types of weapons licensing, permits and registration processes should be referred to the Automated Firearms System at (916) 227-3687.

Penal Code Sections 12073 and 12076 require *all* firearm purchasers to submit to the DROS process. This also includes sales between private parties.

Licensing Dealers in Concealable Firearms

Penal Code Section 12070 makes it a misdemeanor to sell concealable firearms without a license required by Section 12071.

Penal Code Section 12071 requires local licensing authorities to accept applications for and issue licenses to sell firearms. The Dealer's Record of Sale Section has examples available of resolutions that name the local agency as the local licensing authority, application and license forms, and a policy and procedure statement.

Dealer licenses must be renewed annually. In setting up a DROS file, a monthly tickler (or suspense) for renewals should be considered. This would facilitate the orderly processing of renewal notices.

A tickler (or suspense) file is designed to signal a deadline or license expiration date. A copy of each license is placed in the file by month of issuance (the file should be divided by month; i.e., January, February, March). Within each monthly section, the licenses should be filed alphabetically.

Dealer's Record of Sale (DROS)

Penal Code Section 12076 requires the purchaser or transferee of any firearm to submit to the DROS process. This includes sales or transfers between private parties. Firearms returned to owners from pawn or consignment by dealers are not considered transfers. This process also does not apply to persons identified as full-time, paid peace officers.

Penal Code Section 12073 requires all dealers to keep a register of proscribed information using a numbered form (the DROS) provided to the dealers by the State for a fee. Local law enforcement agencies may request a copy of the Dealer's Record of Sale (DROS) every time a dealer transfers the ownership of a pistol, revolver or other dangerous firearm by pawn, trade, sale or consignment. The dealer is mandated to provide this information daily to the Department of Justice. The State provides the DROS forms for a fee.

If DOJ determines that the purchaser or transferee is a person prohibited from possessing or purchasing a firearm, the department will immediately notify the dealer and the chief of the law enforcement agency in which the sale or transfer was made. In any case, there is a \$14.00 fee. There is a 10-day waiting period that applies to all transfers and sales of concealable firearms.

Sales, transfers or delivery of weapons to a dealer do not necessarily require the DROS process. The dealer may use the "Firearms Dealer's Report of Handgun Acquisition" for any concealable firearm received from a private party.

There is no legal requirement imposed on local law enforcement regarding the DROS forms. As a result, processing, filing and disposal of the DROS forms varies considerably from agency to agency. The main purpose in providing local agencies with copies of the DROS is informational. Local agencies may be able to use information about

who purchases concealable weapons, and when. Local agencies may request special computer listings of firearms transactions within their jurisdiction.

A local DROS file is not recommended. If an agency chooses to maintain a DROS file, it should be purged every six months. As part of normal investigation, your agency may want to compare the DROS information with the master name index before destroying the copy.

DOJ uses its own files to prevent sales to convicted felons and can utilize local agencies to identify subjects who may be prohibited from or unfit to possess such weapons. Welfare and Institutions Code Sections 8100 and 8103 prohibit sales to mental patients or insane persons. Local personnel may be assigned to check the forms and notify DOJ, as appropriate.

Penal Code Section 12021(g) makes it a felony or misdemeanor for individuals who are the subject of a restraining order pursuant to Code of Civil Procedures Sections 545-547 to purchase firearms. The Department of Justice has developed a Restraining Order System (ROS) to interface with DROS. Reference page II-75 for specific restraining order requirements for notifying DOJ of individuals subject to this restriction.

FIELD INTERVIEW

A field interview (FI) card is used to record suspicious or unusual circumstances, persons, vehicles, or events. The primary purpose of an FI card is to document activity in a particular location at a specific time. Consult your legal advisors regarding the retention of juvenile information and photographs obtained as part of a field interview.

FI cards are typically 3" x 5" in size and are usually printed on both sides (refer to Figure II-6 page II-26, as a sample).

Figure II-6

FIELD INTERVIEW CARD

ANYTOWN PD FIELD INTERVIEW CARD							
NAME				AKA			
ADDRESS				PHONE			
DOB	AGE	SEX	HGT	WGT	RACE	BLD	
POB			HAIR	EYES	SCARS/MARKS/TATTOOS		
SS NO.			DL NO.		STATE	CLASS	
CLOTHING							
MAKE OF CAR		YEAR	MODEL/TYPE	COLOR	LIC. NO.	STATE	
OCCUPATION AND EMPLOYER OR SCHOOL ATTENDED AND GRADE							
PARENT OR GUARDIAN							
APD-6-95							

LOCATION OF CONTACT	DATE & TIME OF CONTACT
ASSOCIATES WITH SUSPECT	
<hr/> <hr/> <hr/>	
REASON FOR CONTACT	
<hr/> <hr/> <hr/>	
DISPOSITION	
<hr/> <hr/> <hr/>	
OFFICER(S) REPORTING	SIGNATURE

Recommended elements for field interview cards are:

Last name	Hair style	License state	Automobile model
First name	Facial hair	Driver's license	Year
Middle initial	Height	class	Type
Social Security No.	Weight	Address	Color
Date of birth	Build	Telephone	License Number and
Place of birth	Scars/marks/tattoos	Employer/school	State of License
Age	Eye color	Parent's name	Officer badge/
Sex	Glasses	Clothing description	employee number
Race	Date of time stop	Location and reason	AKAs
Hair color	Associates	for FI	
Hair length	Driver's license	Automobile make	

The date, time, and location of the field interview should be placed on the top line of each FI card. This facilitates filing and retrieval of the card.

Filing of Cards

FI cards should be filed chronologically, with the most recent cards in the front of the file. As new cards are filed, the older cards are moved to the rear of the file, still in chronological order. Alphabetical filing defeats the chronological reference use of the cards.

Access to FI Cards

If your agency uses manual indexing and processing, the FI card files should be maintained in the Records Section. Records staff can keep the file current and assist with searches and the retrieval of information.

Automated record systems simplify the process of FI cards. The cards do not need to be retained in Records after data entry, as the information from the cards is available to all system users electronically. This allows the card to be maintained by the investigation and crime analysis personnel for use in relation to gang tracking and special investigations.

Retention

To maintain the usefulness of the FI file, cards should be maintained in the file for two years and may be destroyed per your city/county resolution.

FINGERPRINTS

Fingerprints are the most common and reliable method of identification. They are classified by the Henry number system in California. The Henry number system is based on the types of patterns in each finger.

Law enforcement agencies use fingerprints to identify subjects of criminal investigations, licensing, certification, employment and general identification purposes.

Legal Mandates

Penal Code Section 13150 requires that for each arrest, the reporting agency shall report to the Department of Justice the applicable identification and arrest data described in Penal Code Section 13125. This requirement includes fingerprints, Disposition of Arrest and Court Action (JUS 8715) and the Monthly Arrest and Citation Register (JUS 750).

California Identification System (CAL-ID)

The California Identification System (CAL-ID) is a statewide, multi-database system with an extensive Remote Access Network (RAN) which allows local law enforcement agencies to have varying levels of access for ten-print and latent print identification purposes. The databases associated with CAL-ID are either local databases maintained by Full Use Access Agencies (FUAAs) or the statewide databases maintained by the California Department of Justice. The latter is referred to as the Central Site database.

The Central Site database and the FUAA databases are comprised of four (4) individual databases.

- *Automated Fingerprint Identification System (AFIS)* – consists of minutiae data for the right and left thumbs for purposes of conducting searches of inked fingerprints. This is referred to as ten-print searches.
- *Automated Latent Print System (ALPS)* – consists of minutiae data for eight fingers (right and left little fingers are currently omitted but will be added in the future) of specified felony-level offenders and is used for conducting searches of latent prints from crime scenes or physical evidence.
- *Latent Database (LDB)* – consists of minutiae data of latent prints that have been searched against the ALPS database and not identified. New offenders who are registered to the ALPS

database are automatically searched against this unsolved latent file to identify first-time arrestees for offenses committed prior to their arrest.

- *Digital Image Retrieval System (DIRS)* – consists of side-by-side images of all fingers registered to the AFIS or ALPS databases and latents registered to the LDB.

There are various levels of access or services to the CAL-ID system. Refer to a copy of the *CAL-ID User* booklet for further information.

The California Department of Justice is a member of the Western States Information Network (WSIN). WSIN is a group of western states that have incorporated to share a vendor-maintained database. California allows WSIN a daily access of 50 ten-print inquiries and 25 latent inquiries.

Live Scan

Live Scan (LS) devices electronically capture fingerprint images and arrest data at the point of booking. Live Scan eliminates the use of ink in fingerprinting and allows an operator to print as many copies as necessary after completing the booking.

Live Scan fingerprinting is now used for three types of printing: (1) adult criminal, (2) juvenile criminal, and (3) applicants.

Adult and juvenile criminal fingerprinting by LS is electronically processed using a Networked AFIS Transaction Management System (NATMS) to generate the fingerprint search and automatic update of the criminal history records. Not all agencies are connected to the system.

Applicant fingerprinting by LS is also electronically processed. Live Scan workstations have been installed throughout the state for submitting fingerprints for criminal history checks. The responses are delivered directly to the agency requesting the criminal history check. Each agency desiring criminal history information must apply to DOJ to utilize the system.

Not all applicant fingerprinting can be completed using LS equipment. As the system is expanded, it will include all applicant fingerprinting as well as registrant fingerprinting.

Criminal Fingerprint Cards

The DOJ Bureau of Criminal Identification and Information (BCII) does not record the following offense for criminal history records:

- Penal Code Section 647(f) – Drunk in public, unless there is special individual justification.

Fingerprint cards may be submitted to BCII on subjects *for identification purposes only* which have “Question of Identity” or “For Inquiry Only” indicated in the charge area on the front of the fingerprint card.

Fingerprint cards will be searched through BCII records. Fingerprint cards and the results will be returned to the submitting agency.

The Department of Justice encourages agencies to submit fingerprint cards and dispositions on all arrests involving juveniles. When submitting juvenile fingerprints, use two fingerprint cards (FD-249). All cards should be typed. Dispositions should always be noted; if a disposition is not listed, the charge information will not be released. Sample dispositions are:

- Petition Requested
- Release to Parent
- Release to Parent/Petition Requested
- Counseled and Released (including Police Probation)
- 849 PC, 849(B) PC, or 849 (B)(1) PC
- Non-Detained Petition
- Detained Petition
- Juvenile Hall

FD-249 fingerprint cards should be submitted to BCII. Those offenses include:

- On-view arrest
- Warrant arrest
- Supplemental and/or Additional arrest
- Court Ordered Booking or Book and Release
- Commitment prints (CDC, CYA, CRC, local law enforcement agencies)
- Deceased prints submitted by the coroner pursuant to 11109 PC
- Probation department prints when the subject has no prior criminal record within DOJ, or to register a probation or diversion notice

When submitting fingerprint cards to DOJ, use the Federal Bureau of Investigation (FBI) Criminal Fingerprint Card, FD-249, for each arrest made. Arrest fingerprint cards must be submitted to establish a criminal record within the Department of Justice. In order to add an arrest entry to an existing criminal record, fingerprint impressions must also be submitted to DOJ. This is required by DOJ for *each* arrest made to ensure that positive identification can be made. Accompanying arrest dispositions (JUS 8715 manual forms and automated format) must be created and submitted to DOJ to eventually complete the arrest cycle on the rap sheet.

Submit two FD-249 fingerprint cards – one for DOJ and one for the FBI. Staple the cards together in the upper left-hand corner and submit both to:

Department of Justice
Bureau of Criminal Identification and Information
P.O. Box 903367
Sacramento, CA 94203-3670

Applicant Fingerprint Cards

The California Department of Justice Bureau of Criminal Identification and Information provides edited summary criminal history information for employment, licensing and certification purposes (Penal Code Section 11105). DOJ issues a manual on submitting requests, forms to be used, step-by-step instructions on completing the cards, fees, level of service and other pertinent information.

All requests for criminal history information must be submitted on a completed ten-print applicant fingerprint card. The BCII will not accept previously processed fingerprint cards or a photocopy of fingerprint impressions. Agencies should use the FBI FD-258 applicant fingerprint card.

DOJ now offers an applicant expedite service for an additional fee.

DOJ provides a “subsequent arrest notification service” to all law enforcement and contracting agencies on employees. Pursuant to Penal Code Section 11105.2(c), (d), (e) and (f), a “no longer interested” form must be completed and mailed to DOJ on a subject previously fingerprinted for employment, licensing or certification. This form is found in the DOJ Applicant Fingerprint Clearance Manual.

**Registrant
Fingerprint
Cards**

Certain persons are required to register pursuant to Penal Code Sections 290 (sex offenders), 186.30 (gang offenders) and 457.1 (arson offenders), and Health and Safety Code Section 11590 (drug offenders). The agency that has jurisdiction over the subject's place of residence is responsible for the registration process. Registrations require one Registration Fingerprint Card (BID-5) and one optional Arrest Fingerprint Card (FD-249). Fingerprints must be submitted to the DOJ Registration Unit. Item-by-item instructions on completing the BID-5 are included in the *Department of Justice Guide to Sex, Narcotic and Arson Registration Procedures*.

**Personal
Identification
Fingerprint Cards**

In response to the growing popularity of fingerprinting children, special personal identification fingerprint cards (BID-8) are available from the Department of Justice Missing Children's Clearinghouse, 916-227-3290. The cards are not meant to supersede any other local fingerprint program. Completed cards should be retained by parents and submitted to the Federal Bureau of Investigation or the investigation agency only when such identification is necessary.

Fingerprint Files

There are several methods used to file fingerprint cards. They are:

- Numerically by report or personal identification number
- Fingerprint classification
- Alphabetically

The most efficient method of filing fingerprint cards is alphabetically; it provides immediate access to an arrestee's card. Retrieval of cards that are filed numerically, or by classification, require a search of the master index file or arrest records to locate the appropriate number to access the card.

Fingerprinting adults or juveniles suspected of a crime, but who have not been arrested, is a common investigative practice when a comparison must be made with fingerprints found at the scene of a crime. These fingerprints should be destroyed after they have served their original purpose.

In most agencies, fingerprint cards should be filed in the Records Unit. In large agencies or those with fingerprint analysis units, the files may be kept in another location. An alternative filing method (classification/numbers) may be useful in these circumstances.

Ordering Fingerprint Cards

Order the Criminal Fingerprint Cards (FD-249) from the FBI; a six-month supply is recommended. There is no fee for the cards. Include the agency's name, mailing address and NCIC ORI number.

Federal Bureau of Investigation
Logistical Support Unit (LSU), CJIS Division
1000 Custer Hollow Road
Clarksburg, WV 26306
Phone: 304-625-2000; Fax: 304-625-3984

Order the Applicant Fingerprint Cards from DOJ; a six-month supply is recommended.

Bureau of Criminal Identification and Information
ATTN: Applicant and Public Services Section
P.O. Box 903417
Sacramento, CA 94203-4170
Phone: 916-227-3834

Order the Registrant Fingerprint Cards from the DOJ Registration Unit, phone: 916-227-3288.

JAIL RECORDS

Local detention facilities are classified by type, I-IV. Each facility must maintain certain inmate records depending upon its classification.

Penal Code Section 6030 authorizes the State Board of Corrections to enforce regulations for local detention facilities. California Administrative Code Section 1041 states:

"Each facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures for the maintenance of individual inmate records which shall include, but not be limited to, intake information, personal property receipts, commitment papers, court orders, reports of disciplinary actions taken, medical orders issued by the responsible physician and staff response, and non-medical information regarding disabilities and other limitations."

No specific recommendations on inmate records are given in this section. California State Board of Corrections, Title 15, Chapter 1, Subchapter 4, can provide further information on inmate records. The California State Board of Corrections Internet home page is located at www.bdcorr.ca.gov.

MISSING PERSONS

Penal Code Sections 14200-14213, the Missing Person Reporting Law, assigns responsibility for this subject area to DOJ, Missing/Unidentified Persons Unit. Local law enforcement agencies "shall accept any report, including any telephonic report, of a missing person, including runaways, without delay."

Reporting Requirements

Police or sheriff's departments must:

1. Accept any report of a missing person, as defined by Section 14213(a) PC, without delay, regardless of jurisdiction.
2. Accept any report of a runaway without delay.
3. Accept reports of missing persons by telephone.
4. Assign priority to missing person reports over non-emergency property crimes.
5. Make an immediate assessment of steps to locate based on: type of missing person case, defined in 14213(a) P.C., and indications that victim might be at risk, 14213(b) P.C.
6. Broadcast a "be-on-the-lookout bulletin" without delay within your jurisdiction if child is under 16 years of age or a person of any age is considered "at risk."
7. Provide the reporting party with a DOJ form which authorizes release of dental records/X-rays, skeletal X-rays, and/or photographs.

The California Highway Patrol:

1. May accept reports of missing persons/runaways.
2. Must immediately advise the person making the report of the name and phone number of the agency having the jurisdiction over the missing person's residence and the location where the missing person was last seen.
3. Shall submit a report to the Attorney General's Office within four hours after accepting a missing person report on subjects under 16 years of age or if there is evidence that a person is at risk.

**Transmitting
Reports to
California DOJ
and the National
Crime Information
Center (NCIC)**

Law enforcement agencies taking the initial report shall submit the report to DOJ through the California Justice Information System (CJIS) Missing/Unidentified Persons System (MUPS). *A single entry into MUPS will automatically generate an entry into NCIC.*

Agencies must enter a missing person record into MUPS even if the missing person is found before entry is made. In such case, enter the missing person record and immediately remove it (clear the record).

When the missing person is a child (under 18 years of age):

1. A law enforcement agency should have the individual making the missing person report fill out DOJ Form SS 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph and Description Information."
2. The law enforcement agency must submit the report to DOJ within four hours after accepting the report if the missing child is under 16 years of age or *any* child at risk, using the CJIS/CLETS System (MUPS).
3. A law enforcement agency may execute a written declaration authorizing the release of dental/skeletal X-rays if the missing child has no next-of-kin, or if none can be located.
4. If the missing child is *under 12 years of age* and missing at least 14 days, the release form (SS 8567) must immediately be executed to obtain dental/skeletal X-rays and a photograph. The agency *must immediately* check with the coroner or medical examiner. The report, photograph and the dental/skeletal X-rays must be submitted to DOJ within 24 hours.
5. If the agency determines that the missing child may be "at risk," dental/skeletal X-rays and a recent photograph should be immediately obtained. The agency *must* check with the coroner or medical examiner. The report and the dental/skeletal X-rays, including a signed DOJ Release Form (SS-8567), must be submitted to DOJ within 24 hours.
6. If a child 12 years of age or over is still missing after 30 days, the reporting individual is required to obtain the dental records and give them, within ten days, to the law enforcement agency that took the initial report.

7. If a child is still missing after 45 days, the agency should confer with the coroner or medical examiner and immediately send the report, dental/skeletal X-rays and photograph, including a signed release form (SS 8567), to DOJ.
8. If a missing child under 12 years of age or "at risk" is found, a law enforcement agency must report this fact to DOJ within 24 hours.
9. If a missing child 12 years of age or over is found, the agency must immediately (as defined by agency policy) report this fact to DOJ.

When the missing person is an adult:

1. The agency should have the individual making the missing person report fill out DOJ Form SS 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph, and Description Information."
2. The law enforcement agency must submit the report to DOJ within four hours after accepting the report if the missing person is at risk, using the CJIS/CLETS System (MUPS).
3. If the person is still missing after 30 days, the individual making the report should submit the dental records within ten days to the law enforcement agency.
4. If the missing person has no next-of-kin, or if none can be located, a law enforcement agency may execute a written declaration authorizing the release of the dental records.
5. If the person is still missing after 45 days, the agency should check with the coroner or medical examiner and send the report and dental records to DOJ.
6. If the missing person was considered to be "at risk" and is found, the agency must report this fact to DOJ within 24 hours.
7. All other missing adults who are found must be reported to DOJ immediately.

Transmitting Reports to Other Jurisdictions

In cases where a report is initially taken by an agency that is not the agency of jurisdiction over the missing person's residence, the law enforcement agency taking the initial report must:

- Notify and forward without delay a copy of the report to that agency having jurisdiction over the missing person's residence and where the missing person was last seen.
- In cases involving children under 12 years of age or persons at risk, this cross-reporting must be accomplished within 24 hours of initial receipt of the report.

The law enforcement agency taking the initial report may initiate an investigation if the agency has jurisdiction over the place where the missing person was last seen. In most cases, the agency having jurisdiction over the missing person's residence will normally handle the case.

The Missing Person Responsibility Reference Chart prepared by DOJ, Figure II-7, page II-38, is a quick reference procedural guide that has been included for your use.

Figure II-7

MISSING PERSON RESPONSIBILITY "REFERENCE CHART"
Mandated/Suggested Time Frames

	ENTRY INTO MUPS*	BOLO TELETYPE (W/I Own Jurisdiction)	CORONER CHECK	DENTAL/ PHOTO RELEASE FORM	SCHOOL NOTICE **	SEND DENTAL X-RAYS	SEND PHOTO
CHILD "AT RISK"	Within 4 hours	"Without Delay" (Agency sets time frame)	Within 24 hours	Within 24 hours to DOJ	Within 10 days, written notice & photo	Within 24 hours to DOJ	Within 24 hours to DOJ
CHILD NOT "AT RISK" (16 & over)	"Immediately"	DOJ suggests	After 45 days, immediately check	After 45 days	Within 10 days, written notice & photo	After 45 days	After 45 days
CHILD NOT "AT RISK" (under 16)	Within 4 hours	"Without Delay" (Agency sets time frame)	After 14 days, immediately check	After 14 days, within 24 hours	Within 10 days, written notice & photo	After 14 days, within 24 hours	After 14 days, within 24 hours
ADULT "AT RISK"	Within 4 hours	DOJ suggests "Without Delay"	After 45 days, immediately check	After 45 days, but DOJ wants ASAP	Not required	After 45 days	DOJ suggests after 45 days
ADULT NOT "AT RISK"	Within 45 days	DOJ suggests	After 45 days, immediately check	After 45 days	Not required	After 45 days	DOJ suggests after 45 days

**Federal Law 42 USC 5779 (1990) requires all missing children to be entered in NCIC. Entry of a missing person into the "MUPS" system will automatically generate an entry into the NCIC Missing Persons System.*

***Education Code Section 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.*

PERSONAL IDENTIFICATION FILES

The maintenance of a separate Personal Identification (PI) file, containing arrest information and documents, is not recommended. Separate PI files rarely present an accurate and timely summary of an individual's arrest history because most agencies do not have the time nor the personnel to keep them current.

The State Automated Criminal History System is the source of the most current and accurate criminal history information. Criminal history transcripts (rap sheets), once the initial purpose is served, should be destroyed.

PHOTOGRAPHS

The Records Section may be required to process, store and distribute numerous photographs. These include agency personnel, registrants, applicants, mug and crime scene photographs. Photographs are considered confidential records pursuant to Penal Code Section 13300. The following brief suggestions concern processing, protecting and filing photographs.

An automated image system is the perfect media for photographs. A local system can be configured to connect to the booking facility. An image system may have extra features such as automatic selection of similar suspects for photo line-ups, connection to the automated case report, and automated purge and retention capability. This removes the need for extensive hard print photograph files.

Prisoner Photographs

Photographing prisoners enhances identification and criminal investigation. Each agency should establish standardized procedures for photographing prisoners. Minimum standards should include:

- The distance a prisoner stands from the camera and the lens length should be standardized to enhance the exchange of photographs among agencies for investigations.
- Lighting.
- Format (number of pictures, poses).
- Photograph identification (for example, case number, date of photograph, prisoner's name, date of birth and reason for booking).
- Juvenile suspect photos (agencies should have a policy governing purge and retention of juvenile suspect photos).

**Crime Scene
Photographs**

Detailed procedures for photographing crime scenes are beyond the scope of this manual. Crime scene photographs should be protected like evidence. Recognizing the frequent need for photographs in court, it is wise to keep photographs with other evidence. Photographs should be identified and grouped by case number, packaged, and placed in evidence.

**Registrant and
Applicant
Photographs**

A copy of each registrant's photograph must be forwarded to the Department of Justice with required documents. Registrant photos should have the ORI number, FCN number and date taken. Photos and fingerprints should be mailed within three days per Penal Code Section 290(E)(3).

Other applicant photographs are frequently required for specialized city and county licenses and permits. These photographs should be attached to the original report or related documents and filed in the appropriate location; i.e., registrant or applicant file.

Photograph File

A photograph file provides copies of photographs for the convenience of the officers. Envelopes containing the photographs should have the last name, first name, aliases and the date of birth of the subject. Photographs, like reports and evidence, should have a specific purge criteria. Frequently, numerous copies of similar photographs are maintained for repeat offenders. Ideally, the photograph file should be kept by the Investigations Section of each agency.

Some agencies print extra copies for a mug book or photo library to be used in photo line-ups. The photographs may be kept in an index book or segregated by physical descriptors.

**Accident
Photographs**

Agencies which accept traffic reports may want to consider handling the photographs of accidents differently. Accident film should be processed immediately; however, prints of the accidents should only be processed on request and following payment of fees. Retention and the processing of film is best handled by the Property Unit.

**Photograph
Copies**

A fee schedule should be established for copying photographs. We recommend that agencies who do not have their own photo lab develop a procedure for releasing negatives to a commercial photo lab for making copies. The procedure should track the case number, the person requesting the photograph, the lab the negatives are sent to, the date the negatives were delivered, the date the work is returned, and

the employee checking the negatives and copies back in. There should also be a procedure for documenting the release of copies of photographs. This information becomes important if a record is sealed and photographs must be retrieved or destroyed. The tracking documentation should ultimately be kept with the original case report in the master case file.

PROPERTY

The proper storage, safekeeping and disposal of evidence and property requires the cooperation of the Records and Property Section. Often the property function is assigned to Records, which makes it additionally important that Records personnel understand the function. The following section discusses those functions which are most often dependent upon Records operations.

Property Reports

All property that is taken into custody must immediately be properly accounted for on appropriate forms. The form should, as a minimum, include the offense; classification; agency case number; date, time and address property was obtained; officer involved; name and address of persons from whom property was obtained; owner, if known; reason for retention; and a detailed description of the property (with a place for serial numbers). A copy of the property report should be forwarded to Records for inclusion in the case file.

Serialized Property

Penal Code Section 11108 requires local agencies to enter descriptions of serialized property which has been reported stolen, lost, found, recovered or under observation into the appropriate DOJ database. Instructions are listed in the CJIS Manual which is published by the California Department of Justice, Bureau of Justice Information Systems. The *Article/Brand and Category User's Guide* is available through the Property Systems Section of the Department of Justice. Non-serialized property items which have unique characteristics or inscriptions that permit identification must also be reported to the Property System Section of DOJ. When firearms are destroyed or identifiable items are returned to the owner or otherwise disposed of, this change of status must be noted in the State information system.

Property Disposition

The Property Section is responsible for the control, release and disposal of evidence and property. A court disposition form (JUS 8715) is the most common means of notifying an agency when prosecution is concluded and evidence is eligible for release or disposal. The Records Section typically receives the forms. The form should be filed with the report and the Investigations or Property

Section notified to begin the disposition process. Agency procedure must include checking the State automated systems to ensure that all recovered property which has been entered into the systems is recorded.

RECORD SEALING

The court has the authority to seal arrest records under specific conditions. The Records Section is responsible for processing requests to seal records. This section will discuss records sealing involving minors and adults.

Record sealing (destruction) is a process designed to remove all reference to an individual from agency files. Generally, the process is incident-specific. That is, the records and references to a specific incident or arrest are sealed. Multiple records for one subject, unrelated to the court order, are usually unaffected by the sealing. In the case of juvenile records, however, the court may order the entire record and reference to the juvenile sealed.

Upon receiving a court order to seal a record, appropriate notification must be made to every division within your agency to ensure that all records pertaining to that subject are appropriately sealed.

Record sealing is the collection of permanent records in a "package" that is ordered sealed by the court. Index reference to the subject should be deleted.

Record destruction is the permanent removal from the record of all reference to an individual. This may be accomplished by removing specific references to the individual.

Sealed records which must be held for destruction should be segregated from other records, and the petitioner's name and the date of destruction written on the envelope.

Legal Mandates

Sealing of records is mandated under certain conditions by Penal Code Sections 851.6, 851.7, 851.8, 1203.45, and Welfare and Institutions Code Section 781.

Minors

Welfare and Institutions Code Section 781 permits the involved person or a probation officer to petition the court to seal a record five years or more after the jurisdiction of the juvenile court has terminated as to the person, or in a case in which no petition was filed, five years or more after the juvenile was cited to appear before the probation officer or

cited by the law enforcement agency. The court notifies the district attorney and the county probation officer who may testify why a record should not be sealed. If the sealing is granted, the court shall order the agency to seal its record and state the date to destroy the sealed record. Thereafter, only the court may inspect the sealed record or allow the record to be inspected.

Penal Code Section 851.7 allows any person who was arrested as a *minor* for a misdemeanor to petition the court to have a record sealed. The individual must have been:

- released per Penal Code Section 849(b)(1),
- released with charges dismissed or discharged without conviction, or
- acquitted.

Prior to March 7, 1973, the person requesting a sealing must have been under the age of 21 at the time of the arrest to qualify. After March 7, 1973, the person must have been under the age of 18. The petition to seal the record may be filed with the court any time after the release. The records of arrest for the following offenses cannot be sealed under Penal Code Section 851.7:

- Offenses for which registration is required under Penal Code Section 290.
- Offenses under Division 10 (commencing with Health and Safety Code Section 11000).
- Offenses of the Vehicle Code or any local vehicle ordinance relating to the operation, stopping, standing or parking of a vehicle.

Penal Code Section 1203.45 permits a person to petition the court to seal a record if convicted for a misdemeanor while a minor, and is eligible for or has received a dismissal under Penal Code Section 1203.4 or 1203.4(a). Prior to March 7, 1973, the person must have been under the age of 21 at the time of the arrest to qualify. After March 7, 1973, the person must have been under the age of 18. The record of arrest for the following offenses cannot be sealed under Penal Code Section 1203.45:

- Offenses for which registration is required under Penal Code Section 290.

- Offenses under Division 10 (commencing with Health and Safety Code Section 11000).
- Misdemeanor offenses of the Vehicle Code related to the operation of a vehicle or local vehicle ordinances related to operating, standing, stopping or parking of a motor vehicle.

Adults Penal Code Section 851.8 permits a person who has been arrested, but where no accusatory pleading has been filed, to petition the arresting agency to destroy the record of the arrest.

The arresting agency, upon a determination that the person arrested is factually innocent and with the concurrence of the district attorney, shall seal the arrest records, including the petition, for a period of three years from the *date of arrest* and thereafter destroy the record of arrest and the notice of sealing. The Department of Justice and any other agency that participated in the arrest shall be notified to comply with the same procedure. Any agency that received a copy of the arrest record shall be notified to destroy the record.

The district attorney is also served by the petitioner with a copy of the petition to seal the records. If the law enforcement agency does not respond to the petition within 60 days, the petition is deemed to have been denied. The requestor may then petition the justice or municipal court of jurisdiction to decide the petition.

Penal Code Section 851.8(c) permits a person who has been arrested and an accusation filed, but no conviction, to petition the court for a finding of factual innocence. If the court determines factual innocence, it will order the record sealed.

An arrestee shall be notified in writing by the law enforcement agency of the sealing and destruction of the arrest record. If reference is made to the arrest in any other report, the notation, "exonerated" shall be made on the arrestee's name or the name shall be obliterated.

No records shall be destroyed under the above section if any arrestee has filed a civil action against a peace officer or law enforcement agency, or if the agency of record has received a certified copy of the complaint, until the civil action has been resolved.

For arrests occurring on or after January 1, 1981, and for accusatory pleadings filed on or after January 1, 1981, petitions under Penal Code Section 851.8 may be filed up to two years from the date of the arrest, or filing of the accusatory pleading, whichever is later. Time

restrictions on filing under this section may be waived upon a showing of good cause by the petitioner.

Two sample checklists, Figures II-8 & II-9, on pages II-46 and II-48, are provided to assist in the record sealing process required by Penal Code Section 851.8.

Figure II-8

SAMPLE CHECKLIST

**PETITION TO SEAL A RECORD
(851.8 PC)
NO ACCUSATION FILED**

- Applicant given petition form and filing instructions.
 - Advised to file a copy of petition with the District Attorney.
- Agency receives completed petition.
 - Receive processing fee.
 - Record petition.
- Advise petitioner of processing and notification procedure.
- Obtain petitioner's arrest record.
 - Compare thumbprint on petition to print on file.
- Place copy of petition in suspense file.
- Forward petition and copy of arrest record to designated reviewer.
- Reviewer will make a determination of "factual innocence."
 - Contact District Attorney for concurrence.
 - Reviewer completes the bottom of the petition and returns it to Records Section.

IF THE PETITION IS GRANTED

- Complete declaration mailed to the petitioner.
 - Copy to the department files.
- Seal petition, declaration and records.

-over-

Figure II-8 (continued)

- Note destruction date on the outside of package (three years from date of arrest).
- Notify Department of Justice and any other arresting agency to seal records in their possession.
- Notify any local, State or Federal agency who received a copy of the record to seal their records.

IF THE PETITION IS DENIED

- Complete the bottom portion of the petition and return to petitioner.



Figure II-9

SAMPLE CHECKLIST

PETITION TO SEAL A RECORD (851.8(c) PC) ACCUSATION FILED

- Applicant given petition form and filing instructions.
 - Advised to file original petition with the court.
 - Advised to file a copy of the petition with the District Attorney.
- Court will review the arrest and court records and make a determination as to “factual innocence.”
- Court may notify agency of final decision.

IF THE PETITION IS GRANTED

- Completed declaration mailed to the petitioner.
 - Copy to the department files.
- Seal petition, declaration and records.
 - Note destruction date on the outside of package (three years from date of arrest).
- Notify Department of Justice and any other arresting agency to seal records in their possession.
- Notify any local, State or Federal agency who received a copy of the record to seal their records.

IF THE PETITION IS DENIED

- Complete the bottom portion of the petition and return to petitioner.



A court, upon showing of good cause, may order any sealed records to be opened and admitted into evidence. The subject of the records may petition the Superior Court to permit inspection of the records by the persons named in the petition.

Figure II-10, page II-50, is a guide and checklist for record sealing.

Figure II-10

**SAMPLE GUIDE AND CHECKLIST
RECORD SEALING**

- Remove the individual's name from the index.
 - Destroy a single entry card.
 - Remove the incident reference on a dossier card.
 - Delete the incident reference in an automated index.
- Delete index references to the subject.
 - Arrest register.
 - Booking log.
 - Daily Activity Log.
- If more than one subject is named in the reports:
 - Copy the document(s) and obliterate (felt marker) all references to the subject.
 - Re-copy and place this second copy in the original files.
 - Destroy the marked copy.
 - Place the untouched original report in the envelope.
- Notify the appropriate divisions (Investigations, Property/Evidence, Juvenile) to send all related reports and indexes to Records.
- Place all records in envelope for sealing.
 - Photographs (including those used for general reference in photo libraries).
 - Fingerprint cards.
 - Arrest/crime reports (including supplemental reports).
 - Laboratory reports.
 - Recordings/transcripts of interviews.
 - Property records/receipts.
 - All other records that refer to the incident/subject of the order.
- Notify all outside agencies that the record has been sealed and to destroy their copies.
- Place subject's name and date of birth on the upper portion of the sealed record envelope.
- Write "SEALED" in large letters on the front and back of the envelope and seal the envelope.
- Record the date of the destruction of the records.
- File the envelope in a locked cabinet.



REGISTRANT FILES

Persons convicted of *sex offenses* are required to register with law enforcement agencies having jurisdiction over the address where they reside. Individuals must register within 5 days of coming into any city or county in which they reside for that length of time. If the individual lives on a campus of the University of California or California State University, they must register with the Chief of Police of the campus as well as with the police or sheriff's department having jurisdiction over the area where the campus is located.

Persons convicted of *arson, narcotic or gang-related offenses* are required to register with the law enforcement agency having jurisdiction of their residence. Arson and narcotic registrants have 30 days within which they must register to be in compliance with the law. Gang registrants must register within 10 days of release from custody or within 10 days of arrival in any city, county, or city and county to reside, whichever comes first (186.30 PC).

The registration for any type of registerable conviction consists of:

- a ten-print Registration Fingerprint Card (BCII-5) filled out completely with fingerprint impressions, date, signature of the registrant on the front and on the statement on the back of the card, and as much information filled in as possible, including as of January 1, 1995, the license plate number of any vehicle owned by or registered in the name of the person.
- a photograph of the registrant. Write the individual's name, date of birth, CII number and the registering agency name on the back of the photograph.

This information must be forwarded to DOJ within three days of the registration process being completed.

Sex Offender Registration

Penal Code Section 290 requires a subject to register as a sex offender if convicted of violation of Penal Code Sections 207, 207(b), 208(d), 209, 209(b)(1), 220, 243.4, 243.4(a), 243.4(b), 243.4(c), 243.4(d), 243.4(d)(1), 261, 261(1), 261(2), 261(3), 261(4), 261(6), 261(a)(1), 261(a)(2), 261(a)(3), 261(a)(4), 261(a)(6), 261.1, 261.2, 261.3, 261.4, 261.5 (only if court-ordered), 262(a)(1), 264.1, 266, 266c, 266h(b), 266i(b), 266j, 267, 269, 269(a), 269(a)(1), 269(a)(2), 269(a)(3), 269(a)(4), 269(a)(5), 269(b), 272, 285, 286, 286(b)(1), 286(b)(2), 286(c), 286(c)(1), 286(c)(2), 286(c)(3), 286(d), 286(e), 286(f), 286(g), 286(h), 286(i), 286(j), 286(k), 288, 288(a), 288(b)(1), 288(b)(2), 288(c)(1), 288(c)(2), 288a, 288a(a), 288a(b)(1), 288a(b)(1), 288a(b)(2), 288a(c), 288a(c)(1), 288a(c)(2), 288a(c)(3), 288a(d),

288a(d)(1), 288a(d)(2), 288a(d)(3), 288a(e), 288a(f), 288a(f)(1), 288a(f)(2), 288a(f)(3), 288a(g), 288a(h), 288a(i), 288a(j), 288a(k), 288.2 (felony conviction), 288.2(a) (felony conviction), 288.5, 288.5(a), 289, 289(a), 289(a)(1), 289(a)(2), 289(b), 289(c), 289(d), 289(d)(1), 289(d)(2), 289(d)(3), 289(e), 289(f), 289(g), 289(h), 289(i), 289(j), 311.1, 311.10, 311.10(a), 311.11, 311.11(a), 311.11(b), 311.2(b), 311.2(c), 311.2(d), 311.3, 311.3(a), 311.3(b), 311.3(b)(1), 311.3(b)(2), 311.3(b)(3), 311.3(b)(4), 311.3(b)(5), 311.3(b)(6), 311.3, 311.4, 311.4(a), 311.4(b), 311.4(c), 314.1, 314.2, 647a, 647a(1), 647.6, 653f(c), 702, 5512, or 6316.

An offender must register if:

- convicted of an attempt to commit any of the offenses listed in Penal Code Section 290.
- determined to be a mentally disordered sex offender.
- convicted in any other state, federal, military or foreign court of any offense which, if committed or attempted in California, would have been punishable as one of the above offenses.

The offender is required to register:

- within 5 days of coming into a law enforcement agency's jurisdiction, and
- must notify the last (previous) registering agency within 5 working days when they move out of their jurisdiction.

A sex offender must register for life and can only be relieved of this responsibility by obtaining a Certificate of Rehabilitation pursuant to Penal Code Section 4852.01.

As of January 1, 1995, a court can require a person to register for the conviction of *any* offense if the court feels the crime was committed for sexual gratification or from sexual compulsion.

Juvenile Sex Offender Registration

Effective January 1, 1986, a juvenile sex offender (adjudicated a ward of the court) must register if convicted of violation of Penal Code Sections 220, 261(2), 264.1, 286(b)(1)(c)(d), 288, 288a(b)(1),(c),(d), 289(a), 288.5, 647a or 647.6. As of January 1, 1995, a juvenile is required to register for life or until his/her record is sealed under Section 781 of the Welfare and Institution Code.

If convicted out of state of a comparable charge, they must also register for life.

Note: Any court can require a person to register for the conviction of *any* offense if the court felt the crime was committed for sexual gratification or from sexual compulsion.

Arson Offender Registration

Penal Code Section 457.1 requires an arson offender to register with the agency in the jurisdiction in which the offender lives if the offender has been:

- convicted of a violation of Penal Code Section 451, 451(a), 451(b), 451(c), 451(d), 451(e), 453, 453(a), and/or 453(b) or
- convicted of an attempt to commit any of the above offenses.

If the arson registrant was convicted between 1988 and 1994, the registration requirement expires within five years of that conviction date. If the arson registrant was convicted from 1994 to the present, it is a lifetime requirement to register.

The offender is required to register within 30 days of release from custody and remain registered for life after discharge from prison, release from jail, or expiration of parole or probation.

Juveniles register for ten years, until reaching age 25 or until the record is sealed pursuant to Welfare and Institutions Code Section 781.

Registration is not required if:

- the subject has been granted a Certificate of Rehabilitation, or
- the subject has received a dismissal under Penal Code Section 1203.4. (This is not acceptable after January 1, 1995.)

Narcotic Offender Registration

The Department of Justice, Violent Crime Information Network (DOJ/VCIN) Registration Unit no longer processes narcotic registration documents as of September 1, 1991, due to budget cuts; however, the California Penal Code still requires individuals to register.

Health and Safety Code Section 11590 requires a narcotic offender to register with the agency in the jurisdiction where the offender lives, if the subject has been:

- convicted of Health and Safety Code Sections 11350, 11351, 11351.5, 11352, 11353, 11353.5, 11353.7, 11354, 11355, 11357, 11358, 11359, 11360, 11361, 11363, 11366, 11366.5, 11366.6, 11368, 11370.1, 11377(a), 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383 or 11550, or
- convicted of an attempt to commit any of the above offenses, or
- convicted in any other state of any offense which, if committed or attempted in California would have been punishable as one of the above offenses, or
- convicted in any federal court of any offense which, if committed or attempted in California would have been punishable as one of the above offenses.

An offender is required to register within 30 days of release from custody and to remain registered for five years after discharge from prison, release from jail or expiration of parole or probation.

Registration is not required if:

- The subject has received a dismissal under Penal Code Section 1203.4,
- The misdemeanor conviction is for Health and Safety Code Section 11357 and/or 11360, or
- Commitment to the California Department of Corrections, Welfare and Institutions Code Section 3051, is ordered by the court.

Gang Registrants

Penal Code Section 186.30 requires individuals convicted of offenses determined to be gang-related to register with the law enforcement agency in their place of residence. Registration is required for offenders convicted in a criminal court or who has had a petition sustained in a juvenile court for an offense listed in Penal Code Section 186.22, or for any crime that the court finds is gang related at the time of sentencing or disposition. Registration requirements shall terminate five years after the last imposition of a registration requirement pursuant to Penal Code Section 186.30.

Pursuant to Penal Code Section 186.32(a), *juvenile* registration shall include the following:

- The juvenile shall appear at the law enforcement agency with a parent or guardian.
- The law enforcement agency shall serve the juvenile and the parent with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the juvenile belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22 PC.
- A written statement signed by the juvenile, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.
- The fingerprints and current photograph of the juvenile shall be submitted to the law enforcement agency.

Pursuant to Penal Code Section 186.32(a), *adult* registration shall include the following:

- The adult shall appear at the law enforcement agency.
- The law enforcement agency shall serve the adult with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the adult belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22 PC.
- A written statement, signed by the adult, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.
- The fingerprints and current photograph of the adult shall be submitted to the law enforcement agency.

Registrants must inform, in writing, the law enforcement agency with which he/she last registered of a change in residence address within 10 days of the change of residence. If the new residence address is located within the jurisdiction of a law enforcement agency other than the agency where he/she last registered, the registrant shall register with the new law enforcement agency, in writing, within 10 days of the change of residence.

There is no requirement in the Penal Code that this local information be sent to DOJ.

**Notice of
Registration
Requirement
(SS 8047)**

The Notice of Registration Requirement form is used to notify the registrants of their duty to register as a sex, arson or narcotic offender. Their fingerprint impression and signature are required in the appropriate area, depending on the conviction offense for which they are registering.

This document should be given to the offender to read, understand and sign *prior* to their being released from custody, whether from a state correctional facility, county jail, or from court on probation (Penal Code Sections 290(b) and 290(c)). The sentencing court is also responsible for completing the form if the offender receives probation or is charged with a fine. Refer to the current *Guide to Sex and Arson Registration Procedures* available through:

Department of Justice
Division of Law Enforcement
Sex/Arson Registration Unit
P.O. Box 903387
Sacramento, CA 94203-3870

This document is used in court when a person fails to register and it is, therefore, extremely important that it is filled out completely and correctly. Note: The offender may not receive the form as prescribed above. When an offender brings this form, the law enforcement agency may assist with the completion of the process.

The first copy is sent within three days to DOJ, the second copy goes to the city having jurisdiction over the address where the individual intends to reside, the third copy goes to the notifying officer or agency, and the fourth copy is given to the person signing and being notified of the registration requirements.

**Change of
Address Process
(SS 8102)**

Within ten days of changing residence, a registrant shall inform in writing, the law enforcement agency with whom the registrant was last registered of the new address. The law enforcement agency shall forward this information DOJ within three days of receipt. DOJ will forward appropriate registration information to the new law enforcement agency having local jurisdiction.

**Registration
Procedures**

The Registration Fingerprint Card (BID 5) is to be completed at the time of the registration by the local law enforcement agency. Once completed, the card is sent to the DOJ Registration Unit for processing. The FBI Fingerprint Card (FD 249) is an optional card and

should be used if the law enforcement agency desires a return "rap sheet" from the FBI.

The BID 5, Registration Fingerprint Card, is the official registration document. The information on this form is entered into the Violent Crime Information Network (VCIN). The card is stored permanently in the offender's criminal history file. Refer to the document provided by DOJ, titled *Guide to Sex and Arson Registration Procedures* for full explanations of forms, information requirements and procedures.

A model registration procedure includes the following steps:

1. Complete the back of the Registrant Fingerprint Card (BID-5).
 - a. Have the registrant complete the back of the registrant print card, or
 - b. To improve legibility, have the registrant write on a copy of the card back and have processing personnel transfer that information to the original card before sending to DOJ.

Be sure to have every blank completed or the card will be returned to you by DOJ.

2. Complete two Registration Receipts (DOJ Form #SS 8072). Mark one receipt as "Temporary" and one as "Permanent."

If the registrant is a transient, you must complete a registration for them. Complete only the "Permanent" receipt for processing.

3. Staff responsible for registering must:
 - a. Photograph the registrant and develop two copies.
 - b. Complete fingerprinting using one BID 5. Complete one FD 249 fingerprint card if the agency wants a "rap sheet" from the FBI.
 - c. Have the registrant sign the front and back of the fingerprint card(s) and both Registration Receipts.
 - d. Place registrant's thumb print on each of the Registration Receipts (SS 8072).

- e. Give the registrant the receipt marked "Temporary."
- f. Send the fingerprint card(s), photographs and the "Permanent" registration receipt to the processing personnel.

4. Staff responsible for processing must:

- a. Hold the registration fingerprint card(s) and receipt until the photographs are received, and print the following on the back of the photographs: the registrant's name, date of birth, CII number and the registering agency's identification number.
- b. Retain one photograph for file in Records.
- c. Enter the registrant information in the local automated records management system or manually index.
- d. If necessary, transfer the information completed by the registrant to the original card from the copy.
- e. Send fingerprint card(s) and one photograph of the registrant to:

Department of Justice
Division of Law Enforcement
Registration Unit
P.O. Box 903417
Sacramento, CA 94203-4170

- f. Send the receipt marked "Permanent" to the registrant using the registered address.

- 1) Type on the mailing envelope:

DO NOT FORWARD - RETURN TO
SENDER/POSTAGE GUARANTEED

- 2) If the envelope is not returned by the Post Office, it is assumed the registrant received it.

When the local agency agrees to assist with completion of the Notice of Registration Requirement (SS 8047), we recommend having a procedure in place that includes the participation of the probation/parole officer.

This process includes:

1. Registering personnel review the notification form to ensure all required information is provided.

The registrant should receive this form from either the jail/prison upon release, the sentencing court or the probation/parole officer.

2. The notification form is a multiple-page form. Place a single thumb print in the appropriate box on each page of the form.
3. Make a copy of the notification form and give the entire original back to the registrant. Instruct the registrant to return the notification form to their probation or parole officer.
4. Send the copy of the notification form to Records for entry into the local automated records system, or index manually.
5. Following data entry, send the copy to the appropriate probation/patrol officer.

Department of Justice Requests

The Department of Justice may occasionally request registration paperwork from an offender living in your city. If a request is received and your agency does not have a registration in file, then:

1. Call the probation/parole officer and confirm that the registrant is still at the address listed on the Notice of Registration form,
2. Advise the probation/parole officer that the offender has not complied with the registration requirements, and
3. If the registrant is not living at the address on the Notice of Registration, or is back in jail, make a notation on the form and return the request to the Department of Justice.

Registrant Change of Address

If the registrant moves within the same jurisdiction, they must notify the local jurisdiction in writing or in person:

1. Have the registrant complete one DOJ Change of Address form (SS 8102) and sign the form.
2. Type a temporary receipt.

3. Place the registrant's right thumb print on a "Temporary" and a "Permanent" receipt.
4. Mail the change of address form to the Department of Justice within three days.
5. Update current files.
6. Send the registrant a registration receipt marked "Permanent" within ten days.

If the registrant moves into your jurisdiction from another jurisdiction:

1. Process as a new registrant.
2. Advise the registrant to notify the former agency of registration, within ten days, of the change of address.

Retention

The Department of Justice files will be purged two years after a notification of death.

SECONDHAND DEALER AND PAWNBROKER LICENSING AND REPORTING

Business and Professions Code Section 21625, et seq., were enacted to "...curtail the dissemination of stolen property and to facilitate the recovery of stolen property by...regulation of persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of tangible personal property" These sections define the "secondhand dealer" and establish licensing and reporting requirements.

In 1994, Financial Code Chapter 3, Licensure (Sections 21300-21306), was added to require separate licensing provisions for pawnbrokers.

Responsibility

Under the provisions of Sections 21641 and 21642 of the Business and Professions Code (B&P) and Sections 21300 and 21301 of the Financial Code (FC), local law enforcement agencies are responsible for the licensing and renewal of secondhand dealers and pawnbrokers within their jurisdiction.

Statutorily, the Chief of Police or Sheriff is responsible for the licensing of secondhand dealers and pawnbrokers. However, this varies from city to city and county to county. The Records Section of a law enforcement agency, the Investigations Section that regulates these businesses, the Police Commission, the city Licensing Section, or a

combination of the above may be involved in the licensing of secondhand dealers and pawnbrokers within your jurisdiction.

Under the provisions of the law, the local licensing authority is responsible for:

- Determining businesses that meet the definition of a secondhand dealer or a pawnbroker (Sections 21626 B&P and 21000 FC, respectively).
- Providing and accepting applications for a secondhand dealer or a pawnbroker license.
- Fingerprinting the applicant(s).
- Ensuring that the applicant files the appropriate financial statement and surety bond with the agency, if the application is for a pawnbroker.
- Collecting and forwarding to DOJ the appropriate application forms and fees (for a pawnbroker, include a copy of the financial statement and surety bond).
- Issuing or revoking a secondhand dealer license or pawnbroker license pursuant to 21642 B&P or 21301 FC, respectively.
- Maintaining the current license status of all secondhand dealers and pawnbrokers within their jurisdiction.
- Renewing the license of secondhand dealers and pawnbrokers every **two** years from the date of issuance.
- Ensuring that DOJ is mailed their blue copy of the license, upon the issuance (initial and renewal) of the license.

The Department of Justice, Property Systems Section (PSS) will answer questions regarding licensing and reporting. This section offers a booklet, *Secondhand Dealer Licensing and Reporting Information*, which contains all of the basic information on the law and its application. The *Secondhand Dealer and Pawnbroker Laws* pamphlet provides users with all the laws in the Business and Professions Code, Financial Code and Penal Code related to pawnbrokers, secondhand dealers, swap meets and junk dealers. These publications are available upon request. A third publication, CSDIA's *Investigators Procedure Manual for Pawnbrokers and Secondhand*

Dealers is available at cost. Persons interested in this manual should contact PSS staff at 916-227-3688.

Another excellent resource is the California Secondhand Dealers Investigators Association (CSDIA). If your agency does not participate in this organization, the PSS can provide a contact person in your area.

Licensing

Local agencies are responsible for providing the "Application for Secondhand Dealer License" (JUS 125) to persons defined in Business and Professions Code Section 21626. The agency must accept the completed application, the required application fee, and completed applicant fingerprint cards, and submit them to DOJ.

The PSS maintains an off-line automated system of all licensed secondhand dealers, including pawnbrokers. Upon request, PSS can provide a listing by licensing agency. If you have any questions related to secondhand dealer licensing and reporting, call 916-227-3688.

After the original license is issued, renewals are issued annually by the local agency. The blue renewal copy should be mailed to DOJ, the original provided to the licensee, and the pink copy retained by the agency.

The Records Section of your agency may or may not be involved in licensing, depending on local agency preference. Licensing is often the responsibility of the Investigations Section.

Secondhand Dealer Reporting/ Pawnbroker

Business and Professions Code Section 21628 requires pawnbrokers and secondhand dealers to report transactions daily to the local agency. Financial Code Section 21208 also includes pawnbroker requirements. All reports should be made on Form JUS 123 (Pawnbroker/Secondhand Dealer Report) or a DOJ-approved substitute.

Although 21634 B&P and 21208 FC require local law enforcement agencies to submit the "pawn/buy" reports to DOJ, *do not* forward them to DOJ. Local agencies can use DOJ's copy of the pawn/buy reports for internal use. For example: one copy can be used by the Records Section to enter pawn/buy information into the Automated Property System (APS) for property and the Automated Firearms System (AFS) for guns; and the other copy can be used by the Investigations Section for review and analysis.

As a courtesy to other agencies, when feasible, send copies of the pawn/buy reports to the agencies of residence of the pawn/buy customer. Many property crime investigators and analysts use these reports to solve their local investigations.

**Secondhand
Dealer Report
Retention/
Pawnbroker**

The Property Systems Section retains pawn/buy slip information in the Automated Property System for six months. Pawn/buy/consignment records on firearms information in the Automated Firearms System is retained for three years. The PSS maintains a hard copy of the pawn/buy reports for nine months. The PSS accepts requests for special searches, such as a record of all transactions within a county or all transactions by a particular subject. If your agency has a need for special information, call PSS to determine if they can be of assistance.

- Automated Property System - 916-227-3757
- Automated Firearms System - (916-227-3687

Local agencies are not mandated to retain copies of the pawn/buy slips. In reviewing or developing your purge criteria for pawn/buy reports, considerations should include the evidentiary value of the reports because of the thumb print of the customer, and the retention periods for APS and AFS. If an agency retains these records, a retention procedure should be identified and adhered to. The file offers local control of the retention of reports. The file may be automated, and investigators and clerical personnel are often assigned exclusively to the "pawn detail."

Agencies maintaining a manual pawn/buy slip file generally file by month, and the slips within each month: (a) alphabetically by last name of customer, and/or (b) by type of property. The file can be purged monthly and can be searched by name or property type.

**SPECIAL
INCIDENT
REPORTING
FORMS FOR
BOMBS/
INCENDIARY
DEVICES/
EXPLOSIVES**

The Federal Bureau of Investigation (FBI) Bomb Data Center (BDC) has modified the Incident Report Form (2-177). The new form is a five-page booklet intended to improve the reporting process. Departments should use the new forms exclusively because of the computer programming and the inefficiency of transposing the information from obsolete forms and individual department reports.

Report as soon as possible each actual or attempted explosive or incendiary device, recoveries of devices and explosives, and when a hoax device is discovered. ***Do not send police reports***, but rather, fill in the narrative section of the report. The incident may be clarified or

additional information concerning the nature of the incident can be included.

The completed form should be submitted promptly to the BDC within one month of the incident. The BDC prefers that reports be submitted on a timely basis rather than as a single submission at the end of the year. The Explosives Unit Bomb Data Center is located at FBI Headquarters in Washington, D.C. Mail all Incident Report Forms to the following address:

FBI Explosives Unit Bomb Data Center
J. Edgar Hoover Building, Room 3918
10th Street & Pennsylvania Avenue
Washington, D.C. 20535
Phone: 202-324-2696
Fax: 202-324-3407

SUBPOENA DUCES TECUM

Government Code Section 6254(f)(1) and (2), describe information that is accessible to the public. Other records or information must be obtained by subpoena duces tecum (SDT). A subpoena duces tecum is not a court order, but a process to provide certified copies of business records. A subpoena duces tecum is usually addressed to the Custodian of Records, and may require the custodian to appear at a particular time and place with books, documents or records described in the subpoena. Subpoenas may also request agency officers or employees to appear in person for depositions. The district attorney or court may ask your agency to serve personal subpoenas to witnesses for court trials. Subpoenas may be accepted by the Custodian of Records or a designee. Only the Custodian of Records or designee may respond to an SDT.

Subpoenas may be for criminal or civil matters. The type of subpoena determines the way they are delivered, the amount of time you have to respond and the documentation that should be part of the SDT. We recommend your agency have written policy that identifies:

- Agency's Custodian of Records and proper designee
- Proper explanation and procedure for certifying records
- Proper notification of the district attorney on criminal discovery
- Procedure and policy for collection of witness fees

This policy should be reviewed by the agency's legal representative, and must address the applicable code sections that follow.

Legislation (Proposition 115) amended Penal Code Section 1054 and changed the discovery process in criminal matters. As a result, agency policy and procedures should address SDT requests for criminal information, and include the county district attorney's policy.

We recommend keeping open communication with the attorneys serving SDTs on the agency. A poorly written SDT may cause the Records custodian to go through more effort than is necessary. If the SDT document is unclear or requests illogical materials, first consider contacting the attorney of record and discuss the information that is available and proper. If an agreement is reached to change the SDT affidavit, the agreement should be documented in writing.

Applicable Code Sections

The statutory provisions related to this topic are:

- Evidence Code Section 1270 defining government as a business.
- Evidence Code Sections 1506, 1530, 1531, 1533 and 1563 regarding fees for the production of records and the validity of certified copies.
- Evidence Code Sections 1560 and 1561 regarding compliance with a subpoena.
- Evidence Code Sections 1040 and 1070 regarding privilege for official information.
- Code of Civil Procedures Sections 1985 through 1987 defining subpoena and affidavit.
- Code of Civil Procedures Section 2020(d)(4) regarding deposition subpoena.
- Code of Civil Procedures Sections 2034 and 2086 regarding declaration must state what is requested is relevant and needed.
- Government Code Sections 6251 et seq., known as the "California Public Records Act;" especially Sections 6254(f)(1) and (2).
- Government Code Sections 68026, 68093, 68096 and 68097 dealing with witness fees.

**Accepting Service
of a Subpoena
Duces Tecum**

The Custodian of Records *may* refuse to accept an SDT. The subpoena *may* be accepted or refused based on errors. The Custodian of Records must check for the following items:

- The law firm, attorney's name and telephone number must be on the subpoena.
- Check for the agency's proper delivery address.
- Check the subpoena to see if the proper custodian for the specific records is named. For example, the custodian of crime records may not be the custodian of personnel files. If the request is for personnel files, the custodian may refuse service and direct the service to the proper custodian of those records. (Note: Be cautious about worker's compensation subpoenas as they may be for personnel records.)
- Check the date of compliance or the court date. The officer or employee must be given five days' notice for appearance. Agency policy may allow refusal of the subpoena at this point. Civil subpoenas must allow a minimum of 15 days from the date of service for the party whose records are sought to have sufficient time to file a motion to quash the subpoena.
- The person attempting service must: (a) show the original SDT and the Affidavit (or Declaration), and (b) leave a copy of both to complete the service.
- If the subpoena is for Federal court, California procedures do not apply.
- If the subpoena is part of a civil lawsuit and the officer or employee is to testify based on knowledge gained through employment, a witness fee must be paid in advance. Refer to page II-70, "Subpoenas for Officers and Employees."
- If the documents are requested concerning a subject not directly represented by the attorney serving the subpoena, you must check for the "Notice to Consumer" Pursuant to Code of Civil Procedures 1985.3. This affidavit gives notice and opportunity to the other party that their personal records are being sought.
- Record the date and time the subpoena was delivered.

Care should be taken when refusing to accept an SDT. Agency policy should clearly identify the Custodian(s) of Records and prescribe the response to a subpoena duces tecum. Whenever a question arises about an SDT, the recommended course of action is to accept service and consult with the legal advisor (district attorney, city attorney or county counsel) about the proper response to the subpoena.

Compliance With a Subpoena Duces Tecum

A common misconception is that once served with an SDT, you must produce the records. This is not necessarily true. As mentioned previously, an SDT is a process to obtain a certified copy of a business record – it is not a court order. Accepting an SDT means that the next move is up to the agency. In consultation with the agency's legal advisor, the agency may choose to comply with the subpoena or file a "motion to quash." The most important action for the Custodian of Records is to **respond** in an appropriate documented manner. There may be a reason to refuse to comply for good cause; however, one must communicate a response to the court and the attorney named on the SDT. Failure to respond to the SDT may force the court to find the Custodian of Records (which may be you) in contempt of court. The Custodian of Records may be ordered to comply with the SDT, regardless of the reasons for opposing disclosure.

In a motion to quash, you may oppose compliance with an SDT because:

- it is improperly drawn, served or lacks a date of production;
- the information may be available under discovery pursuant to Penal Code Section 1054(a) (Figure II-11, pages II-68 and II-69, is an example of a Request for Discovery);
- it lacks an Affidavit or Declaration;
- it lacks sufficient specificity in the affidavit, is overbroad in scope or is excessively burdensome;
- there is no case number which may indicate no case has been filed;
- witness fees are not paid in advance per G.C. 68097.2(b);
- document release is not in the best interest of the agency, or disclosure would interfere with a criminal investigation or would result in the injury of someone;

Figure II-11 (continued)

NOTE: REQUESTING PARTY MUST FURNISH TAPE OR PERMISSION TO
INVOICE \$ _____ FOR TAPE.

☐ Tape Furnished Herein

☐ Invoice _____
Agency Name

Attention: _____

REQUESTS FOR DISPATCH TAPES

- ☐ Is this a 9-1-1 call?
☐ Telephone number from which call was made _____
☐ Address from which call was made _____
☐ Was the call made on a regular non-emergency line?
☐ Date of Call _____
☐ Time of Call _____
☐ Name(s) of parties calling _____
☐ Name(s) of parties calling unknown, but call was made by a:

☐ Man ☐ Woman ☐ Child

☐ Address of incident _____
☐ Type of call initially made _____
☐ File number of case if known _____
☐ Officers involved/responding _____

IF THE TAPE(S) REQUESTED ARE FOR OTHER AUDIO TAPES OR FOR A
VIDEO TAPE, PLEASE PROVIDE SPECIFICS:



- it may conflict with your local T.N.G. order; or
- the subpoena is for a criminal proceeding to which the department is a participant.

The manner of compliance is described in Evidence Code Sections 1560-1561. *DO NOT*, under any circumstances, release original records. Certified copies are acceptable and have the same evidentiary value as originals. It is recommended that one not allow a copy service to have the original documents to make copies with their equipment at your office. (However, if the attorney *and* the court case are both from another county, the Code of Civil Procedures authorizes such a practice.) Check to see that appropriate time is allowed for your response, which depends on the type of subpoena. Criminal subpoenas require quicker response; normally five days for agency personnel and ten days for business records, unless a different date is ordered by the court. It is to one's benefit to be flexible and work with the district attorney's office as much as possible, as they prosecute the agency's arrests. Records subpoenaed by civil SDTs concerning subjects other than the attorney's client may NOT be produced and released sooner than 20 days after issuance OR 15 days after service, whichever date is later. This allows the subject of record to file a motion to quash or complete other legal actions.

Produce the subpoenaed information as appropriate and in compliance with Evidence Code Sections 1560-1562 and 1271, and agency policy. In general, this means sealing the documents in an inner envelope, marking or attaching subpoena information, and delivering to the clerk of the court inside a second sealed envelope. If the deposition subpoena is delivered by a professional service, one may send the documents as instructed directly to the service.

A Custodian Declaration is required to respond to a subpoena duces tecum. Figure II-12, page II-71, is a sample declaration.

A model directive is provided in the Model Directives section of this manual, pages D-1 through D-3.

Subpoenas for Officers and Employees

An agency **may** accept subpoenas, both criminal and civil, for officers and employees. Agency policy should identify specific procedures with regard to subpoena service and compliance.

Figure II-12

DECLARATION

TITLE OF ACTION: _____

NUMBER OF ACTION: _____

DATE OF SUBPOENA: _____

NAME OF PARTY OBTAINING SUBPOENA: _____

I, _____, the undersigned, say:

1. I am the duly authorized custodian of the records of the Anytown Police Department;
2. I have authority to certify copies of these records;
3. Check either a or b:
 - a. ☐ The copies transmitted herewith are true and correct copies of all of the original records described in the above-named subpoena, insofar as the Anytown Police Department has such records.
 - b. ☐ No copies are transmitted herewith because the Anytown Police Department has none of the records described in the above-named subpoena.
4. The records referred to above were prepared by the personnel of the Anytown Police Department in the ordinary course of business at or near the time of the act, condition or event.

Executed on _____, 20____, at _____.

I declare under penalty of perjury that the above is true and correct.

Signature of Declarant

Title of Declarant



When a criminal subpoena is delivered to the agency, the officer or employee named must be verified as a current employee. If the individual is no longer employed by the agency, DO NOT accept the subpoena. If the appearance is requested with less than five (5) days' notice, the subpoena may be refused. Subpoenas should be addressed to individual officers; however, some defendants, or in civil cases the plaintiff, may subpoena broad numbers of agency personnel. These types of subpoenas should also be accepted. We recommend contacting the agency's legal representative immediately for assistance. Often, the city attorney or county counsel can address broad requests more effectively.

There are two types of civil subpoenas for personal appearance. Personal lawsuit civil subpoenas should be accepted only by the individual officer or employee. Personal civil subpoenas (not related to work), MAY be accepted by the individual's supervisor, but the practice is not recommended. Other civil subpoenas for employees may request a deposition based on the individual's employment; e.g., officer accident reports. These subpoenas may be accepted by the Custodian of Records, their designee or the employee's immediate supervisor. For business/work-related witness testimony, the subpoena must arrive with payment of a bond of \$150. This bond is to assure the reimbursement of the full cost to the agency that is incurred in paying the employee's salary and any other compensation, including travel expense, per Government Code Section 68097.2. When accepting these subpoenas, always follow the same steps listed in the previous section titled "Accepting Subpoenas."

Always communicate a response to every subpoena. If the agency officer/employee is unavailable due to vacation or training, the attorney named on the subpoena should be contacted immediately.

Fees for Producing Documents

Government Code Section 6257 states that payment for a certified copy of an identifiable public record shall be made to the state and local agency, provided such fee shall not exceed the actual cost of providing the copy, or the prescribed statutory fee, whichever is less. While this section does not directly address documents produced as a result of a subpoena duces tecum, many agencies reference this section in determining reproduction costs.

RESTRAINING ORDERS

The Domestic Violence Protection Act (DVPA), enacted in 1979, makes the violation of a civil restraining order a misdemeanor crime under Penal Code Section 273.6. Since that time, there have been many laws passed affecting the law enforcement community's

response to the issue of domestic violence and family law. There are many types of civil restraining orders, including Emergency Protective Orders (EPO), Temporary Restraining Orders (TRO), legal stipulations and Orders After Hearing (OAH).

The Department of Justice is mandated to maintain a statewide registry and database of domestic violence restraining orders, and to cross-reference the registry with the Dealer Record of Sale (DROS). It is a misdemeanor or felony for individuals who are the subject of a domestic violence restraining order to obtain or attempt to purchase firearms (Penal Code Section 12021[g]).

The information in the Restraining Order System is accessed by the DOJ Dealer's Record of Sale (DROS) Unit for firearms clearance purposes and is available to all law enforcement.

Penal Code and Family Code Sections include directions for peace officers to enforce the orders and to make arrests when appropriate. Law enforcement agencies must enter and maintain the restraining order information in the DOJ registry database through the California Law Enforcement Telecommunications System (CLETS). The law enforcement agency having jurisdiction over the residence of the protected person is responsible for information entry into the DROS database. Effective July 1, 1995, restraining orders must be entered into CLETS whether or not they have been served. This requirement does not require entering unserved TROs issued prior to July 1, 1995.

For agencies to discharge their responsibilities under DVPA, both sworn and non-sworn personnel must know how to interpret an EPO, TRO or OAH, and what to do with one of these orders when it is received or handled in the field. Specific law enforcement actions are described in Penal Code Sections 273.5, 273.6, 646.9, 12028.5 and 13700, and Family Code Sections 6380-6383.

The Family Code recommends each county develop protocol and procedures for immediate entry of protective order information.

Verification of the Order

The DVPA requires a law enforcement agency to keep a complete record of all protective orders resulting from domestic violence incidents, restraining orders and proofs of service. This record shall be used to inform law enforcement officers responding to domestic violence incidents of the existence, terms and effective dates of restraining orders in effect.

The law enforcement agency should track and maintain files and records of all protective orders, restraining orders and proofs of service that concern domestic violence/Family Code in their jurisdiction.

Agencies with small numbers of cases may keep a manual file arranged alphabetically, with copies cross-referenced for all involved parties' names.

Agencies with automated record management systems should:

1. identify the orders by a case/incident number,
2. fully cross-index all names, and
3. provide effective dates and terms/conditions information on-line to assure quick and efficient retrieval information.

Case management techniques should be used to assure trailing Orders After Hearing, stipulations and court minutes are combined with original documents.

Mandatory Reporting to Law Enforcement

All health care providers must report to a local law enforcement agency acts of domestic violence pursuant to the laws of the state. The laws include a report by telephone immediately or as soon as practically possible to law enforcement. A written report must be sent to a local law enforcement agency within two working days of receiving the information. The health care provider must follow this reporting mandate even if the victim leaves the provider's premises.

A local law enforcement agency must have protocol for receiving the health provider's telephone information and written documentation. This procedure must be followed even if the person who suffered the wound(s), injury or assaultive/abusive conduct has expired. These procedures should be included in the required county-wide protocol for domestic violence (Family Code Section 6380).

Restraining Orders – Weapons

Per Family Code Section 6389, the court hearing domestic violence proceedings may order the owner of firearms to relinquish the weapons while the restraining order is in effect. The local law enforcement agency must have policy and procedures in place to receive the weapons and maintain them in good condition. The agency is not required to establish if the owner of the firearms has truly complied with the order. The law enforcement agency is allowed to charge fees for this service per Family Code Section 6389.

When the weapons are released, the agency should carefully check the CLETS systems, AFS, DVROS and mental health for weapon prohibitions. If the owner is prohibited from possessing the weapons, they have the option to sell or transfer the ownership to a licensed dealer. If the weapon has been stolen, the firearm shall be returned to the lawful owner.

Effective January 1, 1991 and amended in 1994, Penal Code Section 12021(g) makes it a misdemeanor or felony for any person to obtain or attempt to purchase a firearm if they are aware that they are subject to a protective order as defined in Family Code Section 6218, or to a restraining order/injunction issued under Code of Civil Procedures Section 527.6 or 527.8.

Law enforcement officers may take weapons found "*in plain sight*" during domestic violence incidents and place them into safekeeping. Refer to the Firearms section of this chapter for further information when releasing firearms.

**Restraining
Order –
Reporting
Requirements**

Pursuant to Family Code Section 6380, law enforcement agencies having jurisdiction over the residence of the plaintiff (protected person) must immediately notify the Department of Justice using the CJIS/CLETS automated system as follows:

- The restrained person's (respondent's) name, race, date of birth and, if available, other personal descriptive information;
- The names of the protected person(s);
- The issuance and the expiration date of the order;
- The terms and conditions of the order, including stay-away, no contact and residency exclusion orders;
- The department or division number and telephone number of the court of issuance;
- Whether the order was served upon the respondent; or
- Whether the respondent was present in court.

A restraining order shall be served by law enforcement on request of the protected person, whether or not the restrained person is to be arrested. Once served, the peace officer must transmit the proof of service to the court.

Proof of service may be verified and accomplished as follows:

- Agency has a copy of the proof of service on file with the restraining order, or
- Agency completes a police report that indicates notification by law enforcement (State law requires a retrievable written record of restraining order service, a copy of which should be filed with the court), or
- Verify if both parties were present in court when the restraining order was issued, or
- Inquiry into the DVROS to establish proof of service.

Effective January 1, 1995, both served and unserved domestic violence/Family Code restraining orders must be entered into the Domestic Violence Restraining Order System (DVROS) database. Should peace officers be notified, during an incident by the protected party, of the existence of a restraining order, they must verify the order and serve the restrained person. The personal service must be entered by that agency into the DVROS database and should be documented in writing.

Figure II-13, pages II-77 and 78, is a Verification and Enforcement Checklist which summarizes the steps and shows the steps that must be followed by law enforcement to verify and enforce restraining orders.

Figure II-13

TEMPORARY RESTRAINING ORDER

VERIFICATION AND ENFORCEMENT CHECKLIST

Step 1 - Verify restraining order exists:

- a. Check agency records and restraining order files, inquire into DVROS or copy provided by protected person,
- b. Terms of the order,
- c. Duration of the order (if not dated, assume three years), and
- d. Type of restraining order:

Domestic Violence Protection Act (DVPA);
Family Law Act (FLA);
Uniform Parentage Act (UPA);
Harassment, etc.

Step 2 - Verify prior knowledge by the subject of the restraining order:

- a. Verify proof of service from agency files, copy provided by protected person, or through inquiry into the Domestic Violence Restraining Order System (DVROS), or
- b. Check with agency of jurisdiction for prior documentation in case reports, or
- c. Verify if subject was present in court when the order was issued.

Step 3 - Officer admonishment (service of the orders) if Step 1 is verified and Step 2 is completed.

- a. Inform subject of the terms of the order,
- b. Admonish the subject to comply (warn the subject that the consequence of noncompliance is arrest),
- c. Advise the subject to go to court for a copy of the order,

-over-

Figure II-13 (continue)

- d. Write a report containing date of and terms of the admonishment. Give follow-up instructions and report number to the victim and the subject, and
- e. Enter proof of service to DVROS database.

Step 4 - Arrest by law enforcement if the subject of the restraining order does not comply following the admonishment:

- a. Violation of order occurs in presence of officer,
- b. Violation is "knowing and willful," or
- c. If responding to a violation of a domestic violence restraining order, or a criminal protective order, where the officer has reasonable cause to believe a violation of the order has been committed, the officer may arrest the violator without a warrant. The violation does not have to occur in the presence of the officer, or
- d. Write a report, based on agency/county protocol and, in consideration of reoccurrence, book the subject. **Do not cite and release,** and
- e. Refer the victim to proper criminal follow-up, community resources and give the crime report number.

Step 5 - Citizen arrest when Step 1 (verification) cannot be met.

- a. Advise complainant of the citizen arrest rights and procedure,
- b. Observe citizen arrest,
- c. Take suspect into custody,
- d. Write a report, based on agency/county protocol and, in consideration of reoccurrence, book the subject. **Do not cite and release,** and
- e. Refer complainant to proper criminal follow-up, community resources; give them the crime report number.



Emergency Protective Orders

Family Code Section 6240 requires a judge be available by telephone at night and on weekends to issue Emergency Protective Orders (EPO) against threats of violence, likelihood of violence or actual violence in domestic situations. Emergency Protective Orders expire at 5:00 p.m. on the fifth full day of court following the issuance.

This order allows the victim five full days (or seven calendar days, whichever is longer) to go to a court and obtain a Temporary Restraining Order. Agency procedures should include considerations of service to the restrained person, since they may not be present when the officer arrives on scene. Many agencies leave the entire order with the protected person, rather than returning unserved portions to the office, in the event the opportunity to complete service occurs within the five-day period.

Figure II-14, page 80, is a copy of an Emergency Protective Order form.

Figure II-14

EMERGENCY PROTECTIVE ORDER

APPLICATION FOR EMERGENCY PROTECTIVE ORDER (CLETS)

(Name): _____ has provided the information in items 1-5.

1. PERSON TO BE PROTECTED (name): _____
(Insert in item 1 names of all persons to be protected by this order.)

2. PERSON TO BE RESTRAINED (name): _____

Sex: ☐ M ☐ F Ht: _____ Wt: _____ Hair Color: _____ Eye Color: _____ Race: _____ Age: _____ Date of birth: _____

3. The events that cause the protected person to fear immediate and present danger of domestic violence or child abuse are:
(Give facts and dates. Specify weapons.) _____

4. ☐ The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the following address: _____

5. ☐ The person to be protected has minor children in common with the person to be restrained, no custody order exists, and a temporary custody order is requested because of the facts alleged in item 3.

6. ☐ A child welfare worker or probation officer has advised the undersigned that a juvenile court petition ☐ will be filed ☐ will NOT be filed.

7. Phone call to (name of judicial officer): _____ on (date): _____ at (time): _____
☐ The judicial officer granted the Emergency Protective Order that follows.

By _____
(PRINT NAME OF LAW ENFORCEMENT OFFICER)

Agency: _____ Telephone No: _____ Badge No: _____

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

EMERGENCY PROTECTIVE ORDER

8. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5 P.M. ON: _____
Insert date of fifth full court day. DO NOT COUNT DAY THE ORDER IS GRANTED.

To protected person: If you need protection for a longer period of time, you must request permanent protective orders at (court name and address): _____

9. Reasonable grounds appear that an immediate danger of domestic violence or child abuse exists and that an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence or child abuse.

10. To restrained person (name): _____

a. ☐ You must not contact, molest, attack, strike, threaten, sexually assault, batter, telephone, or otherwise harass or disturb the peace of each person named in item 1.

b. ☐ You must ☐ stay away at least _____ yards from ☐ move out immediately from (address): _____

c. ☐ You must stay away at least _____ yards from each person named in item 1.

11. ☐ (Name): _____ is given temporary custody of the following minor children (names and ages): _____

PROOF OF SERVICE

1. Person served (name): _____

2. By personally delivering copies to the person served, as follows: Date: _____ Time: _____
Address: _____

3. At the time of service I was at least 18 years of age and not a party to this cause.

4. Name, address, and telephone number of server (this does not have to be home telephone number or address): _____

☐ California sheriff, marshal, or constable

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: _____

(TYPE OR PRINT NAME OF SERVER)

(SIGNATURE OF SERVER)

(See reverse for important notices!)

Form Adopted by Rule 1295.90
Judicial Council of California
1295.90 (Rev. January 1, 1994)

EMERGENCY PROTECTIVE ORDER (CLETS)
(Domestic Violence and Child Abuse Prevention)

Family Code, § 6240

ONE copy to court, ONE copy to restrained person, ONE copy to protected person, ONE copy to issuing agency

VEHICLES

Local agencies have specific, detailed responsibilities to document vehicles that are stolen, embezzled, recovered, stored, impounded, towed and abandoned. Local agencies are further responsible to notify the owner of the vehicle's status, to notify other law enforcement agencies, and to maintain the flow of information between the agency and places of storage. Finally, a local agency must input and update the statewide automated Stolen Vehicle System (SVS).

In most agencies, a patrol officer initiates the reports of stolen, embezzled, recovered, stored, impounded, towed and abandoned vehicles. The information is entered into the automated systems, and Records handles the legal notices, follow-up paperwork and system cancellations for specific vehicles. Records may also respond to public inquiries and prepare vehicle authorization release.

Definitions

Embezzled Vehicle – An embezzled vehicle is one which has been rented or leased, and is not returned within five days after the lease/rental agreement has expired.

Impounded Vehicle – An impounded vehicle is one that is removed to a place of storage and is held for evidence and/or parking/registration violation by authority of a law enforcement agency or the district attorney.

Recovered Vehicle – A recovered vehicle is one that has been previously reported stolen, lost or embezzled and is subsequently located.

Abandoned Vehicle – An abandoned vehicle is one that is left unattended and unmoved on a public street or signed private property for a period of time, usually three to five days.

Stored Vehicle – A stored vehicle is one that is removed to a secure location until released.

Repossessed Vehicle – A repossessed vehicle is one that is removed from control of the registered owner by the legal owner or the legal owner's agent.

Abatement – The towing of a vehicle after a "notification of intent to tow" hearing is held.

Private Property Contract Tow – A vehicle towed from private property by a tow company on contract with the property owner to remove unauthorized vehicles.

Felony Hold – A “do not release” order placed on a stored vehicle to preserve evidence for a felony investigation or trial.

Pawned Vehicle – A vehicle that is pawned for a cash amount through a licensed pawnshop.

VEHICLE TOWING AND DOCUMENTATION

Stored Vehicle Records

Whenever a vehicle is stored, a record must be maintained by the agency. Notice must be given to the registered owner and legal owner within 48 hours, excluding weekends and holidays (Vehicle Code Section 22852). The Department of Justice has a standard “Notice of Stored Vehicle” form for local agency use.

Whenever a public agency directs the storage of a vehicle, the agency must notify the registered and legal owners of the right to a post-storage hearing to determine the validity of the storage (Vehicle Code Section 22852). The notice must specify that to receive a post-storage hearing, the owners or agents must request the hearing in person, in writing or by telephone within ten days of the date appearing on the notice.

If the form is returned to the agency from the registered or legal owner, a notation should be made in the master case file. In accordance with Vehicle Code Section 22853, the form, marked “unable to notify after 120 hours of storage,” should be forwarded to the Department of Justice.

“Notice of Stored Vehicle” forms should be filed in the agency’s master case file. If the form is a supplement to a crime or traffic accident report, it should be assigned the same report number and stored with the original report documents. In cases where no report is prepared, the form should be assigned its own case report number and filed in the master case file.

VEHICLE TOWING: ENTRY INTO LAW ENFORCEMENT DATABASES

California Vehicle Code Section 10500 and Penal Code Section 11108 require that *ALL* serial-numbered vehicles and license plates which are reported stolen, lost or recovered must be entered in the DOJ automated Stolen Vehicle System (SVS).

The SVS transactions include initial entry of the vehicle into the system; modifications to a record; and cancel, locate and clear transactions. Sixteen vehicle records are used in the SVS, and each record has a different retention period. When an entry of a record is made with a Date of Transaction (DOT) which is older than the purge date of the SVS record type, the entry will be rejected. Copies of all

SVS transactions should be filed with the original case report. The *Criminal Justice Information System (CJIS) Manual*, available from DOJ, describes all entry and update formats.

**Entry
Transactions**

An entry transaction places a record in the Stolen Vehicle System. When the entry transaction is accepted by SVS, the entry terminal will receive an acknowledgment. The acknowledgment contains the File Control Number (FCN) of the record entered. The acknowledgment printouts should be checked against the master case record. If the registration and entry information agree, file them with the original report; if they do not agree, correct the incorrect record. Refer to Section 1.4 of the CJIS Manual for specific formats and entry guidelines.

**Modify
Transactions**

A modify transaction adds, deletes or corrects the information in one or more fields of an existing record. The CJIS Manual, Section 1.5, describes specific formats and entry guidelines.

**Cancel
Transactions**

A cancel transaction deletes an entire record from SVS. Only the contributor of an original SVS record and DOJ can cancel a record. The CJIS Manual, Section 1.6, contains specific formats and entry guidelines.

**Clear
Transactions
for Vehicle
Locates or
Recoveries**

A clear transaction removes a record from active or locate status when the vehicle, vehicle part or license plate is recovered. When an agency is notified that a vehicle for which you have an SVS record is recovered, you must enter a clear transaction. The 1995 revision of Vehicle Code Section 10500(a) states: "the original reporting police agency, upon receipt of the information from the recovering officer, shall, immediately attempt to notify the reporting party by telephone, if the telephone number of the reporting party is available or readily accessible, of the location and condition of the recovered vehicle. If the reporting party's telephone number is unknown, or notification attempts were unsuccessful, the original reporting police agency shall notify the reporting party by placing, in the mail, a notice providing the location and condition of the recovered vehicle. This written notice shall be mailed within 24 hours of the original reporting police agency's receipt of the information of the recovery of the vehicle, excluding holidays and weekends." The CJIS Manual, Section 1.8, provides additional instructions and specific formats.

Locate Transactions

A locate transaction is used when an agency has recovered a vehicle entered in SVS by another originator. You cannot place a locate on a SVS record entered by your agency. See CJIS Manual, Section 1.7, for specific locate formats and entry guidelines.

VEHICLE RELEASE

The majority of vehicles towed by law enforcement agencies require an initial report of storage (for example, Notice of Stored Vehicle) and a local authorization of release form. Records personnel usually assist vehicle owners with release of the vehicle. A release form is a written document prepared by the releasing agency, directed to the place of storage, authorizing the release of the described vehicle. The release identifies the person entitled to claim the vehicle, license number, year, make and model of the vehicle, and the name of the person authorizing the release.

Three groups of individuals qualify for release of vehicles: registered owners, legal owners and persons with exceptional circumstances. Local agencies should adopt specific procedures for the release process. A copy of the vehicle release authorization should be filed with the original report documents in the master case file.

30-Day Vehicle Impounds

The California Safe Streets Act of 1994 was created because of the numbers of persons who were driving a vehicle while unlicensed, or driving with a suspended or revoked driver's license. The Act was passed to provide law enforcement the ability to prevent unlicensed drivers from driving, and provides the following stipulations:

- When a vehicle is stopped and the driver is unable to produce a driver's license, the vehicle will be impounded for *30 days*, whether or not the driver is the registered owner of the vehicle. An employee driving the employer's vehicle is exempted from this violation.
- Vehicles will be impounded for *30 days* if the vehicle was being driven by a person who has a suspended or revoked license. These drivers are presumed to have knowledge of the suspension or revocation per California Vehicle Code Sections 13106(a) and 14601.1(c).
- The registered and legal owners of the impounded vehicle may request a post-storage hearing within 10 days to determine the validity of the impoundment. This hearing will determine if legal authority existed for the impound. The owner of the vehicle is responsible for all storage fees which accrue on a daily basis

from the date of towing. In the event the impound is determined to be improper, the impounding agency will be responsible for the towing and storage fees.

- To apply for the release of an impounded vehicle, the registered and legal owner must show proof of proper registration, and a licensed driver must be available to drive the vehicle.
- Vehicles impounded a second time for similar violations may, under California Vehicle Code Section 14607.6, be subject to vehicle forfeiture.

WARRANT PROCESSING SYSTEM

Law enforcement agencies need an effective system to process arrest warrants. Some agencies have an automated warrant system. Since automated systems are not available to all agencies, a manual system may be necessary. This section presents a simple and effective manual warrant system.

Analysis of the arrest warrant problem shows that the service of warrants occupies a low priority in many law enforcement agencies. This may be due to the fact that most arrest warrants are issued for violations of minor misdemeanor crimes and infractions. Regardless of the reason, treatment of the warrant service process as a low-priority issue can cause significant problems for law enforcement managers. These include:

- creation of an unmanageable backlog of unserved warrants,
- less attention given to the service of outside warrants,
- an increase in the number of wanted persons who are encouraged to ignore an official summons and avoid the judicial process,
- an increase in lost warrants, and
- the possibility of arrests made on invalid warrants.

These factors combine to create unnecessary problems and a reduction in the effectiveness of the warrant system.

The warrant processing system may be used by many law enforcement agencies. It is important to recognize, however, that individual differences in agency size and organization, and differing local court

requirements may dictate minor changes. As long as basic policies and principles are followed, these changes may be made with a minimum of disruption.

An effective manual warrant processing system must accomplish at least six basic tasks:

- Receive and record all incoming warrants.
- Identify the location of each warrant.
- Identify the status of each warrant.
- Guard against the loss of any warrant.
- Provide a record of the attempts to serve each warrant.
- Show the final disposition of each warrant.

The system outlined below and on the following pages accomplishes these tasks effectively and in an orderly and efficient manner.

I. Records/Warrants Unit Pre-Service Responsibilities

When a warrant or abstract is received, it should be routed immediately to the records/warrant desk where the following tasks must be accomplished:

- A. *Entry in the Warrant Log:* The warrant log documents the current status of a warrant, whether it is in file, served or returned to court. It can also be used to provide the basis for management reports on the warrant function. Like other control logs, the information it contains should be concise and meaningful. Some examples of the type of information which the log may include are: date the warrant was received, name of the wanted person, warrant number, disposition of the warrant, and the date of disposition.
- B. *Date Stamp the Warrant:* It is particularly important since a warrant may not be served for many months after its receipt, and without the date, the entry would be difficult to locate and update.

Many courts process warrants by "Date/Batch Number." Warrants issued on a given day are listed alphabetically under the number of that day; e.g., 04-06-99. This makes it

much easier for the court to keep track of and recall warrants.

C. *Preparation of the Warrant Processing Forms:* All forms which are necessary for the processing of a warrant, with the exception of the warrant log, may be prepared from one typing. This is accomplished by using a carbon-stuffed or NCR paper manifold form set, or computer word processing macro program. Figure II-15, page II-88, is an example of a word processing macro warrant notification program. If a form is needed to control the Warrant Service Information Card when it is sent to the patrol division for service, it also may be prepared at this time. The manifold form set may include some or all of the following forms:

1. Warrant Notification – This form is used in the case of all misdemeanors and infractions to provide written notification to the wanted person that a warrant has been issued for that person's arrest. This notice is mandatory to meet the *Serna* ruling, and as part of "due diligence."
2. Warrant Envelope – It is anticipated that many of the agencies to which this system is directed will not require the preparation of a Warrant Alpha Index Card. Instead, they will use the warrant file itself to check for outstanding warrants on named persons.

When the warrant file is used in such a manner, it may be necessary to enclose the warrant in some kind of protective covering to prevent unnecessary wear and tear during file searches. This may be done by filing the warrant in a reusable paper envelope and attaching to the front a copy of the carbon form set containing the warrant identification information.

3. Warrant Service Information Card – The Warrant Service Information Card contains information about the existence of the warrant and further information regarding the wanted person. Its primary use is as a working investigative document for the line officers attempting to serve the warrant. The record of service attempts on this form serve to document that "due diligence" was exercised by the agency.

Figure II-15

EXAMPLE OF A WORD PROCESSING MACRO PROGRAM WARRANT NOTIFICATION

Anytown Police Department
2001 Law Enforcement Blvd.
Anytown, CA 90000
(000) 000-0000

August 22, 1995 ****NOTICE OF WARRANT**** PLEASE READ CAREFULLY

1~	<u>Birth Date</u>	<u>Warrant #</u>
2~	3~	5~
	<u>DL Number</u>	<u>Vio Date</u>
	4~	6~
		<u>Bail</u>
		9~

This Department holds the above 7~, 8~ warrant for your arrest, issued out of the 11~ Municipal Court. Failure to give this matter your immediate attention will necessitate compliance with the State Law, making it mandatory that you be taken into custody. This warrant for your arrest has already been entered into a computerized Police Information Network. If for any reason, you should be stopped or questioned by a Police Officer, you may be arrested at this time. For general recorded court information, call (000) 000-0000. For specific court information, see the third paragraph below.

In order to clear this warrant, you can either appear in person or self surrender at 11~ Muni Court (see address below), or post the full bail amount. To post bail, come in person or send payment to Anytown Police Department, or send payment directly to the Court. Personal check cannot exceed \$300. Any amount over \$300 must be paid in cash, money order, or cashier's check. All checks should be payable to "Clerk of the Court." For **NO BAIL WARRANTS**, you must surrender yourself and cannot post bail. If you do not comply and clear this warrant as soon as possible, you are putting yourself in risk of being arrested by a local police department. If you feel that there has been a mistake, please contact the court indicated below.

12~
13~

***Esta carta es muy importante, el Departamento de Policia de Anytown tiene una orden de arresto contra usted. Hay varios pasos que usted puede tomar para arreglarla; para mayor informacion por favor llame at (000) 000-0000.

When warrants are filed alphabetically and the warrant file is conveniently located, an alpha index card is generally unnecessary. Many agencies establish an effective warrant processing system without the costly maintenance of index files. Others will require the use of an index card for effective operations. When used, the warrant alpha index card may be filed either in the master alpha card file or in a special warrant index file. Warrant index cards may be color-coded if filed in the master alpha card file.

A separate warrant index card file will generally be required only when security or building layout requires the maintenance of a remote file. The manager will most likely be confronted with a need to decide between two alternatives: (1) file a warrant index card in the Master Alpha File, or (2) use no index card at all.

The use of a Warrant Alpha Index Card filed within the Master Alpha Index holds certain advantages. These include:

- The concept of the master name file is kept intact. If the agency has any information concerning a person, their name will be in the Master Alpha File.
- Every time an officer requests a check for "record and wants," the check may be made by searching only one file, thereby saving time for both the officer and the records clerk.
- The warrant file does not have to be used as an alpha file. This means less wear and tear on the warrants.

There are also disadvantages to the use of a warrant alpha card within the Master Alpha File. These include:

- The alpha card must be pulled when a warrant is served, returned to court or returned to the originating jurisdiction. If this step is overlooked, staff effort may be expended in searching for warrants which have already been served.
- Since Warrant Index Cards are subject to a higher turnover rate than other alpha cards normally indexed in the Master Alpha File, a significant amount of the file purging may be necessary.

- It is more work to prepare and file an alpha card, which must later be pulled and destroyed, than it is to omit preparing one.

D. *Enter Appropriate Warrants in Automated Systems Depending on Agency Policy:*

- When transportation will be provided from any location within the State of California, the warrant may be entered into the State Wanted Person System.
- When the district attorney's office will authorize extradition on a felony warrant, the warrant may be entered in NCIC.

E. *Warrant Control:* Controls must be established to assure that prompt attention is given to service attempts and to the return of the Warrant Service Information Card to file. The prompt return of an unserved warrant to the originating agency whenever the wanted person cannot be located is also important.

Warrant/records unit personnel must establish a tickler file or other control device for the accurate accounting of the Warrant Service Information Cards forwarded to patrol personnel. In addition, controls must provide for accurate status reporting of all local warrants and warrant abstracts forwarded to other agencies for service.

F. *Filing of Warrants:* Warrants should be filed in a secure location and under the control of designated personnel. A separate warrant file is preferable when filing warrants in alphabetical order.

G. *Routing for Service:* The Warrant Service Information Card should be routed to the line unit responsible for warrant service.

H. *Validation of Warrants:* When warrant validation lists are received from DOJ, the warrant should be pulled and checked for accuracy and completeness. The court should be contacted to verify that the warrant is still valid. If the warrant has been entered into NCIC, the district attorney's office should be contacted to ensure that the subject will still be extradited.

II. Patrol Responsibilities

- A. *Warrant Service Responsibility*: It is recommended that the warrant service responsibility be assigned to the patrol function. Patrol personnel are normally available 24 hours per day, seven days per week. This flexibility greatly increases the chance of apprehending a wanted person.
- B. *Warrant Service Information Cards* should be turned into the watch supervisor at the end of each watch and returned to the Records Section after a stipulated time period, during which every attempt is made to serve the warrant. Depending upon agency size and warrant volume, a formal system may be required to control assignment and return of the cards.

The Warrant Service Information Card should be used by line officers as a worksheet. A file check should be conducted to ascertain that the warrant is in file prior to an arrest being made.

III. Records/Warrant Unit - Post-Service Attempt Responsibilities

When a warrant is served, or after a specified period of time even if unserved, the Warrant Service Information Card will be returned to the Records Section. At this point, the warrant unit of the Records Section should perform the following tasks:

- A. *Served Warrants*. When the warrant has been served:
- pull and destroy the alpha card (if used),
 - if previously entered, clear the warrant from CJIS, NCIC, and/or any local automated system,
 - update the warrant log, and
 - place the Warrant Service Information Card in the inactive file. (In the case of an outside warrant, send the warrant or warrant abstract and a copy of the completed Warrant Service Information Card to the agency from which the warrant was received.) The card should be retained for a period of time in case notations regarding service attempts are necessary to establish "due diligence."

B. *Unserved Local Warrants.* When the warrant is a local warrant, and it is unserved by reason of the wanted person having moved:

- If no new address is located, file the Warrant Service Information Card with the warrant in the warrant file.
- If a new address is located within the local jurisdiction, resubmit the Warrant Service Information Card to patrol for additional service attempts at the new address.
- If a new address is located in another jurisdiction, mail the warrant or send an abstract to the new jurisdiction with a request for service. File the Warrant Service Information Card in the warrant file. The Warrant Service Information Card must contain proper notations (or another device must be used) to ensure a record of the exact location of the warrant.

C. *Unserved Outside Warrants.* When the warrant is received from an outside agency and it is unserved by reason of the person having moved:

- If no new address is located, return the warrant and a copy of the completed Warrant Service Information Card to the originating agency. Update the warrant log and update or destroy any alpha index card used. Do not send an abstract to any other agency with a request for service.
- If a new address is located within the local jurisdiction, resubmit the Warrant Service Information Card to patrol for additional service attempts at the new address.

D. *Recalled Warrants.* The same steps described on page II-91, relating to served warrants, should be followed when unserved warrants are recalled by the court.

E. *Purging of Files.* A retention policy must be established to provide for timely purging of the warrant file. Such a policy should be worked out with the local courts and district attorney. A policy recommended by the California Law Enforcement Warrant Officer's Association is:

Parking Warrants – Recall after 1 year
Traffic Warrants – Recall after 5 years
Misdemeanor Criminal Warrants – Recall after 5 years
Felony Warrants – Recall after 10 years (exceptions:
murder and escape)

IV. Alternative Processing Methods

There is flexibility within the recommended procedure to allow for other processing methods. Each agency must study its needs carefully. The processing method selected should consider the following local conditions:

- Size of the law enforcement agency (including future growth).
- Volume and type of warrants received.
- The records system used by the agency and how best to coordinate it with the warrant system.
- Whether there is a specialized warrant unit within the agency.
- Whether there are plans to automate the warrant system.
- The quality of the cooperation of other local elements of the criminal justice system.

All of these conditions affect the choice of a processing method.

CONCLUSION

The system outlined in this section is recommended because it has the capability to fulfill the basic functions of an effective warrant system. However, it is recognized that no single system can be designed that will meet the needs of all law enforcement agencies. Differences in size and organization will require individual applications of the system presented here.

Regardless of the configuration finally decided upon, the basic principles outlined in the "Warrant System Policies and Procedures Development Checklist," Figure II-16, pages II-95-97, must be followed to ensure that incoming warrants are efficiently processed. This is important because law enforcement agencies must rely on each other for the service of warrants on individuals who have moved outside their jurisdiction.

To ensure the maximum availability of a warrant, it is advantageous for local agencies to form mutual agreements whereby only the Warrant Service Information Card is routinely sent to another agency, with warrants or abstracts forwarded only when the wanted person is located. This can best be accomplished when each administrator involved in the agreement has confidence in the integrity of the warrant systems employed by the other agencies.

A model directive for warrant processing is found in the Model Directives section of this manual, pages E-1 through E-3.

Figure II-16

WARRANT SYSTEM POLICY AND PROCEDURE DEVELOPMENT CHECKLIST

An agency should process warrants with maximum effectiveness. The records manager must carefully evaluate the warrant function, develop written directives and ensure that everyone in the organization is aware of, and adheres to, the direction. The following checklist should assist with the development of sound policy and procedure.

1. Warrant Management

- ☐ Clearly define authority and responsibility for the various aspects of the warrant system.

The actual service of warrants is usually regarded as a line function, while the associated records-keeping work is a staff function.

- ☐ Warrant activities with other criminal justice agencies.

The establishment of a good working liaison with the courts can assist in the solution of problems which may arise.

- ☐ Bail acceptance policies.

Who may accept bail and under what circumstances? Strict controls should be established for the disposition of all bail money.

- ☐ Require management reports on warrant activities.

These reports should include the number and types of warrants served and the current backlog of unserved warrants.

- ☐ Provide a retention policy for the various classes of warrants.

Warrants should not be allowed to accumulate indefinitely within the agency. Policies should be established for the recall of warrants to the court which issued them after reasonable periods of time.

- ☐ Assume transportation costs for persons arrested on local warrants.

A warrant or warrant abstract should not be sent to another agency for service unless the forwarding agency is willing to assume the costs of returning the wanted person.

- ☐ Provide assistance to field officers.

Provide items such as photographs and physical descriptions of wanted persons. The more information provided, the better the chances a warrant will be served.

2. Records

- ☐ Establish strict control and accounting procedures.

These are necessary to provide accurate warrant status information on a 24-hour basis.

- ☐ Retain original warrants in the warrant file until served or returned.

Develop procedures which describe the circumstances under which an officer is allowed to check out a warrant prior to having the wanted person in custody. A dated notation should be made in the warrant file identifying the officer and explaining the absence of the warrant.

- ☐ Use of courtesy or warning notices.

Warnings have proven effective in serving misdemeanor warrants. They save personnel time and are generally well received by the public. Courtesy or warning notices should be concise and meaningful. Avoid the use of legal terms as they are frequently misunderstood by members of the public.

- ☐ Transmit adequate information to other agencies.

This is necessary so that they may assist in serving local warrants.

- ☐ Limit to one, the number of warrant abstracts outstanding on a warrant at one time.

If conditions require a second warrant abstract to be sent, cancel the initial abstract and await confirmation before issuing the new warrant abstract.

- ☐ Receive and process warrants and warrant abstracts from other law enforcement agencies.

Warrants or warrant abstracts from other agencies should receive the same effort for service as local warrants as long as they meet legal requirements.

- ☐ Do not transfer other agencies' warrants or warrant abstracts.

If the subject of a warrant or warrant abstract is determined to be in another jurisdiction, the originating agency should be informed and requested to cancel its abstract. Do not transfer its warrant or warrant abstract to another agency. Control is thereby maintained by the originating agency.

- ☐ Notify outside agencies of arrested persons.

Whenever an arrest is made on an outside warrant, immediately notify the originating agency.

3. **Warrant Service**

- ☐ Document attempts at service.

Case decisional law calls for "due diligence" with regard to attempts to serve a warrant (*Rost v. Municipal Court*, 1960). To satisfy legal challenges that such requirements have been met, attempts to serve warrants must be documented and filed.

While certain portions of these may apply specifically and uniquely to individual organizations, most of them have a broad, general application and may be considered as a base upon which a manual warrant system should be founded.

Insert Tab #5

Security of Information



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT



III. SECURITY OF INFORMATION

INTRODUCTION

There is often confusion when dissemination and security of information are discussed. These terms may seem mutually exclusive because the law requires law enforcement to provide information the public has the right to know and need to know. At the same time, law enforcement must withhold information if the release would jeopardize an individual's right to privacy, the safety of an informant or the successful outcome of an investigation. It is the responsibility of a law enforcement agency to allow the public access to certain information. Records personnel must be aware of and apply the legal exemptions to the release of information. It is not the intent of the exemptions to shield information from legitimate scrutiny. Exemptions should not be used to avoid possible litigation. The prosecuting attorney should be consulted regarding release and discovery in criminal cases.

Each law enforcement agency should develop a written policy for record disclosures. The agency's legal counsel should review the draft policy before it is adopted.

Records managers have many types of records within their control. These records are subject to some limited access as outlined in the law which deals with each type of record. The records manager must understand which records *must* be released and when records *may* be released. This section will discuss each type of record and cite the legal parameters which authorize or exempt its release.

RECORDS SUBJECT TO LIMITED ACCESS

- Crime and Incident Reports
- Juvenile Records/T.N.G. Orders
- Accident Reports
- Personnel Files
- Information Received from CLETS
- Criminal Offender Record Information (CORI)
- Licensing Files
- Registration Files
- Citations
- Warrants
- DMV Information
- Other Agency Documentation/Medical Reports

DISSEMINATION OF REPORTS

Public Records Act - Sections 6250- 6270 Government Code

In 1968, the Legislature enacted the California Public Records Act. In its findings and declarations, the Legislature, mindful of the right of individuals to privacy, declared that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person" in the State of California.

Since 1968, through amendments and court decisions, the California Public Records Act has continued to balance the public's right to know what governmental agencies are doing, and an individual's right to privacy. The intent of the Legislature was clearly that the public should have access to public records without interfering with or endangering individuals needlessly. The sections, however, were not intended as barriers or shields against legitimate inquiry or possible litigation.

Local "Sunshine Ordinances"

Some cities and counties have enacted ordinances that require broader disclosure of agency documents than those limited by the Public Records Act. Agency personnel should be familiar with such local laws. Agencies should conform disclosure policies to comply with local law after review by city or county counsel.

What is a Public Record?

As defined in the Public Records Act, "public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Based upon this definition, the report of crimes and incidents written in the daily course of business of a law enforcement agency are public records and subject to release under the Act, with certain exemptions.

Information That Must Be Released

The Public Records Act requires that specific information be released unless the release would endanger the safety of a person or endanger the successful completion of an investigation. The categories of information that must be released are:

1. Calls for Service
 - a. Time, substance and location of all complaints or requests for assistance.
 - b. Time and nature of response.
 - c. Date, time and location of occurrence.

- d. Date and time of report.
- e. Victim's name and age. Victims of specific abuse and sex crimes (see Exemptions to Release, 1.b. on page III-5) or their parents or guardians (if the victim is a minor) may request that this data be withheld.
- f. Factual circumstances surrounding the crime or incident.
- g. General description of any injuries, property or weapons involved.

2. Arrestees

- a. Full name, current address and occupation of every individual arrested by the agency.
- b. Date of birth and physical description (sex, height, weight, color of eyes and hair).
- c. Date and time of arrest.
- d. Location of arrest.
- e. Factual circumstances surrounding arrest.
- f. Date and time of booking.
- g. Amount of bail.
- h. All charges, including warrants and parole or probation holds.
- i. Location where arrestee is being held.
- j. Time and manner of release.

- 3. Crime Reports – shall be released to the victim of an incident or an authorized representative thereof; an insurance carrier against which a claim has been or might be made; and any person suffering bodily injury or property damage or loss as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, vandalism, vehicle theft or a crime as defined by subdivision (c) of Government Code Section 13960.

- a. Names and addresses of victims, arrestees and witnesses, *EXCEPT* confidential informants. Victims of specific abuse and sex crimes or their parents or guardians (if the victim is a minor) may request that this data be withheld.
 - b. Description of any property involved.
 - c. Date, time and location of incident.
 - d. All diagrams.
 - e. Statements of involved parties.
 - f. Statements of all witnesses *EXCEPT* confidential informants.
4. Law enforcement agencies are required to comply with a number of laws which either permit or require them to refuse to disclose information in their files. Government Code Section 13968(d), requires that law enforcement agencies provide copies of some of the otherwise protected documents to the State Board of Control or its designated local witness centers upon request. Compliance with this section facilitates the operation of the Victims of Crime Act, which provides reimbursement to crime victims who incur expenses as a result of crimes which result in physical injury and sex crimes resulting in either physical or mental injury. The records provided under Government Code Section 13968(d) are only to submit and determine a claim under the Victims of Crime Act. Any further dissemination of the information is a misdemeanor.

Documents to be released by law enforcement agencies include:

- Complete copies of the original report;
- Supplemental reports regarding the incident; and
- The petition filed in a juvenile court proceeding.

The law enforcement agency may withhold the names of witnesses and informants if the release of the names would be detrimental to the parties or to an investigation currently in progress.

Exemptions to the Release of Information

In order to balance the individual's right to privacy with the public's need for information, certain exemptions to the release of information are specified in Government Code Section 6254 or interpreted by court decision.

These exemptions include:

1. Withholding disclosure of names, addresses and identifying information of:
 - a. Juveniles (under 18 years of age) – Wescott v. Yuba County (104 CAL APP 3d 103 and T.N.G. v. San Francisco Superior Court [4c 3d 767]).

NOTE: It is recommended that the definition of "juvenile" be verified with the juvenile court judge of your county. The exemption of release of information may pertain to all juveniles or only juveniles arrested, detained or listed as suspects. Under Wescott v. Yuba County, the determination of the Appellate Court is that all juveniles are under the protection of this decision. Therefore, all identifying juvenile information contained in a report is available for public release only if the County's T.N.G. Order authorizes such release. The presiding juvenile court judge issues the county's T.N.G. Order.

- b. Upon request, adult victims of any crime defined by Penal Code Sections 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 293, 293.5, 422.6, 422.7, 422.75, or 646.9, or their parents or legal guardians (if the victim is a minor), may request that their names be withheld in addition to address and identifying data – Government Code Section 6254(f)(2). Pursuant to Penal Code Sections 293 and 293.5 the officer must document that confidentiality was offered to the victim, and the victim's response.

Figure III-1, page III-6, is an example of a controlled document.

- c. Confidential informants – Government Code Section 6254(f).
 - d. Individuals taken into custody under Welfare and Institutions Code Section 5150 (dangerous or gravely disabled persons) – Government Code Section 6254(c).

Figure III-1

VICTIM'S NAME AND ADDRESS DELETION FORM
CONTROLLED DOCUMENT

CASE NUMBER:

CRIME TITLE	CODE SECTION

Penal Code Section 293 regarding sexual assault crimes and Section 6254(f) (2) of the Government Code requires the address of the victim be deleted from Crime Reports in the following crimes. In addition, these sections require deleting the victim's name from the Crime Report at the victim's request.

Sexual Assault Sections: 220, 261, 262, 264, 264.1, 286, 288, 288a, or 289

Violence Sections: 273a, 273d, 273.5, 422.6, 422.7, 422.75, or 646.9

The victim's address, business address, and/or school, and phone number will be placed on this form only in the above categories. The title "Victim #1," "Victim #2" will be used as designator on all other forms in the place of the victim's name, business address, and phone number if the victim requests that his/her name be kept confidential.

I, _____, advised victim (named below) that his/her name will become a matter of public record unless he/she requests that it be kept confidential.

- ☐ Victim elected to keep his/her name confidential.
- ☐ Victim declined to have his/her name kept confidential.

Victim's Signature

Victim's Name	DOB:
Residence Address	
Residence Phone	
Business/School Address	
Business/School Phone	

Additional information pertinent to victim's location for follow-up purposes:

Reporting Officer:	ID#:
--------------------	------

ATTENTION: For alleged violations of any of the listed sexual assault crimes. Under no circumstances will the victim's address, business address, and/or school be disclosed to anyone except the District Attorney's Office and Anytown Police Department personnel involved in the case. If the victim has indicated that he/she desires to have his/her name kept confidential, it likewise will not be disclosed.

For alleged violation of any of the listed violent crimes: The confidential information referred to above will not become part of the public record but may be disclosed to the prosecutor, court, victim services and other law enforcement entities. However, a supervisor should be contacted before any confidential information is released to anyone other than courts, prosecutors or Anytown Police Department personnel.

2. No law enforcement officer or employee of a law enforcement agency shall disclose to any arrested person, or to any person who may be a defendant in a criminal action, the address or telephone number of any person who is a victim or witness in the alleged offense (Penal Code Section 841.5). This section does not affect the release of information contained in an accident report.
 - a. The defendant may obtain necessary information through the discovery process.
 - b. The *attorney* for a client may obtain the address and telephone number of victims and witnesses where the client may be a defendant in a criminal action in the alleged offense.
3. Criminal offender record information – *Younger v. Berkeley City Council* (1975).
4. Information that may endanger the safety of a witness or other person involved in the investigation – Government Code Section 6254(f).
5. Information that may jeopardize an investigation, related investigation or law enforcement proceedings – Government Code Section 6254(f).
6. Any portion of a report which reflects the analysis, recommendation or conclusion of the investigating officer – Government Code Section 6254(f).
7. Confidential information provided only by a confidential source – *South Coast Newspapers, Inc. v. City of Oceanside* (1984).
8. Information that may disclose investigative techniques and/or procedures – *South Coast Newspapers, Inc. v. City of Oceanside* (1984).
9. Information that may deprive a person of a fair trial – *South Coast Newspapers, Inc. v. City of Oceanside* (1984).
10. Preliminary drafts, notes or memoranda which are not retained in the ordinary course of business – Government Code Section 6254(a).

11. Records pertaining to pending litigation to which the public agency is a party until litigation is adjudicated or otherwise settled – Government Code Section 6254(b).
12. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy – Government Code Section 6254(c).

This section does not prevent a law enforcement agency from opening its records concerning the administration of the agency to public inspection unless disclosure is otherwise prohibited by law.

**Selective
Disclosures
Prohibited**

Court decisions have held that the selective release and selective exemption of information beyond legal exemptions is prohibited. Once information is released to a member of the public, it becomes a public record and cannot be withheld from another member of the public or the news media – Black Panther Party v. Kehoe (1974).

Government Code Section 6254.5(e) allows the release of an exempt public record to any governmental agency which agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes which are consistent with existing law.

Copies

Under Government Code Section 6253, any person may receive a copy of any identifiable, non-exempt public record. Upon receiving a request for a copy of a record, the public agency must determine within ten (10) days whether or not the copy will be provided. Notice of the decision must be made to the person requesting the record. If “unusual circumstances,” as defined in Government Code Section 6253(c), exist, an extension of not more than 14 working days is allowed to complete the determination. Government Code Section 6253(c) states:

“...‘unusual circumstances’ means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

- (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
- (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein..”

Refusal of a Request to Provide Copies

A law enforcement agency may lawfully refuse to furnish a copy of an arrest or complaint report requested by the person who has provided the information contained in the report; however, the agency must make public certain information contained in such reports. (Attorney General’s Opinion [1982]/Government Code Section 6254, this concept is more easily understood if the record is *not* described as the “subject’s record” but rather as “the agency’s record *about* a subject.” Agencies must establish an agreement with the district attorney regarding release of criminal report/investigation information (Proposition 115).

Fees

Government Code Section 6253(b), permits a public agency to charge a fee that covers the direct costs of duplication of copies of non-exempted information or a statutory fee, if applicable.

Most fees for services established by law enforcement agencies are set by the local legislative body by resolution (City Council or Board of Supervisors); however, recent court decisions limit the fees allowable. Any agency should consult with its legal counsel if challenged.

Fees for report copies are usually determined by conducting a materials, equipment and time-in-motion study. An evaluation is made of the steps required to produce a copy, the steps are timed and an average is computed for the time required to provide a copy of an average report. This time, multiplied by the applicable salary of involved employees, determines the cost of each copy. This cost may be used as a fee recommendation to the agency head and to the legislative body.

File Security and Audit

Generally, access to and release of information from reports and other files should be limited to the records custodian and staff of the Records Section. This limited access is recommended because:

1. Personnel releasing information must have extensive knowledge of the law which governs records release in order to make release decisions; and
2. Records that are released must be annotated to support later release decisions and to enable information to be retrieved if the record is subsequently ordered sealed.

**Accountability
Tracking for
Information
Released**

Whenever a report is released, some notation should be made on the report. This can be done by:

- Writing the name and agency/address/company of the person receiving the report, the date of release and the reason for release directly on the report in space provided for this information.
- Providing a separate form to serve as an application for release of information. The form should be completed by the person requesting the information and attached to the original report after compliance.
- Using a form for release documentation, to be attached to the original report in file.
- Using a rubber stamp on the original report to record releases.

Each method will provide a permanent record of report release. If requests for information are received in the mail, the written request can be attached directly to the original report with a notation describing the date and to whom the report was released. If the request is received by telephone, it is necessary to ask for the request to be made in writing, with fee, if applicable; or to authorize staff to complete the release notation on the report when it is released. Examples of a release form and rubber stamp format are provided in Figure III-2, page III-11.

There are times when complete copies of reports cannot be released because they contain confidential information or information exempt from release. In these cases, a method of deleting the exempt information or extracting information that can be released is necessary. If deletion involves small bits of information, such as names or telephone numbers, blacking out the information with a heavy pen and then recopying the document is an effective method. There is also a new product on the market that uses a dry type correction "white," which effectively blocks confidential information. The document should be re-copied after using this product.

Figure III-2

EXAMPLE OF A RELEASE FORM

APPLICATION FOR RELEASE OF INFORMATION POLICE DEPARTMENT		
DATE AND TIME OF OCCURRENCE	TYPE OF REPORT: <input type="checkbox"/> TRAFFIC COLLISION <input type="checkbox"/> CRIME	REPORT NUMBER (IF KNOWN)
LOCATION OF INCIDENT		NAME OF DRIVER OR PROPERTY OWNER
NAME OF APPLICANT/AGENCY		DATE OF APPLICATION
PARTY OF INTEREST (PLEASE CHECK ONE)		
<input type="checkbox"/> PERSON INVOLVED: DRIVER, PASSENGER, PEDESTRIAN OR VICTIM <input type="checkbox"/> REPRESENTATIVE OF INSURANCE COMPANY OR INSURANCE ADJUSTING AGENCY <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> ATTORNEY <input type="checkbox"/> AUTHORIZED INDIVIDUAL (SIGNED AUTHORIZATION IS REQUIRED) <input type="checkbox"/> OTHER PARTY OF INTEREST (SPECIFY) <input type="checkbox"/> PARENT/GUARDIAN OF JUVENILE PARTY _____ _____		
CERTIFICATION		
I declare under the penalty of perjury that _____ <input type="checkbox"/> I am <input type="checkbox"/> I represent <input type="checkbox"/> I am an attorney representing the party of interest identified in the report recorded hereon. SIGNATURE _____		

EXAMPLE OF REPORT RELEASE RUBBER STAMP FORMAT

NAME	DATE	BY
COPY TO: _____	_____	_____
_____	_____	_____
_____	_____	_____

If extensive information must be withheld, it is permissible to extract the information that must be released using a separate verification or confirmation form created for that purpose. Figure III-3, page III-13, is an example of a verification form. Figure III-4, page III-14, is a sample reply to a request for information.

Figure III-3

Agency Letterhead

Chief of Police/Sheriff

Crime Report Number _____

This is to confirm that _____
Name

who resides at _____
Number Street City State Zip Code

has filed a report with the _____ Police/Sheriff's Department.

In accordance with Section 6254(f) of the Government Code, the following information is provided concerning this report:

Date of Report	Time	Type of Report	Location of Occurrence
----------------	------	----------------	------------------------

Brief description of stolen, lost or damaged property:

Suspect: Arrest Made: ☐ Yes ☐ No Date of Arrest: _____ Charge: _____

Arrestee Name	Address
---------------	---------

Copies of police reports, other than traffic collisions, are only available by Subpoena Duces Tecum.

Chief of Police/Sheriff

By: _____

Statements/Diagrams Attached: ☐ Yes ☐ No

Figure III-4

Agency Letterhead

Chief of Police/Sheriff

Your request for records is being returned to you for the following reason:

_____ We have no record for the information given. If you can furnish an exact date and time, location, parties involved, officer's name or badge number, we will research this request again. We only take private property accident reports for injury accidents or hit and run.

_____ This matter is currently under investigation and no information can be released. If you need further assistance, please call _____.

_____ The fee for an accident report is \$_____. Please resubmit your request with a check or money order for this amount.

_____ The fee for confirmation letters is \$_____. Please resubmit your request with a check or money order for this amount.

_____ We are authorized to release this information only in response to a Subpoena Duces Tecum.

_____ Please refer this request to the _____ Department.

_____ Please refer this request to the California Highway Patrol.

Chief of Police/Sheriff

By: _____

Theft from Computer System or Network

Penal Code Section 502 makes it a misdemeanor or felony if an individual tampers, interferes, damages or illegally accesses a lawfully created computer data system. Access is defined as to gain entry to, instruct or communicate with the computer system or computer network.

JUVENILE RECORDS

Juvenile records are those records pertaining to an individual under the age of eighteen (18).

Welfare and Institutions Code Section 827 gives the juvenile court control over the release of all juvenile information to be disclosed to third parties by any law enforcement official. The T.N.G. court decision (T.N.G. v. Superior Court San Francisco [1971] 4c.3d 767) describes two methods for the release of this information:

- referring the third party to the juvenile court or the probation department; and
- releasing the information directly, pursuant to your local superior court T.N.G. order.

A current copy of your county's T.N.G. order should be obtained through the juvenile court. It is recommended that a current/updated copy be requested from the presiding judge every year.

The decision of Wescott v. Yuba County (1980) ruled that juvenile records retained after informal disposition at the law enforcement level become the equivalent of court records and remain within the control of the juvenile court or probation department. Therefore, third party release of this information is to be handled in the same manner as information stemming from a formal proceeding.

ACCIDENT REPORTS

Under California Vehicle Code Section 20012, accident reports taken by a local law enforcement agency must be released to the driver or drivers involved, any person injured in the accident, and the owners of the vehicles or property involved and their authorized representatives. The entire contents of the report can be released, including photos, video tapes, interview tapes, witness statements and diagrams. The exception to release is all collision coding data determined by statistical means rather than through physical evidence (Vehicle Code Section 20015). If a juvenile is involved in the accident, consult your local T.N.G. Order.

Requests for copies of accident reports are usually accompanied by the payment of a fee. The fee may not exceed the cost of providing the copy. Individual agencies may establish the fee using a variety of costs, including reproduction costs, investigation and report writing cost, and clerical processing and retrieval time (Vehicle Code Section 20012). Unless your agency follows the general authority of State law, a city/county ordinance should be in place to legislate the fees.

DAILY SUMMARY/ ACTIVITY LOGS

Much of the information found in a daily summary or activity log is public information. Release of this information depends on the format in which it is kept. If the log contains only information proper for release, it can be made available for public inspection. Exempt information (e.g., names of juvenile suspects) must be deleted prior to public inspection of the log. Welfare and Institutions Code Section 827.5 allows for release of the names of juveniles 14 years of age or older, taken into custody for any serious felony as defined in Section 1192.7(c) of the Penal Code, and the offenses allegedly committed, upon the request of interested persons, if a hearing has commenced that is based upon a petition that alleges that the minor is a person within the description of Section 602. (Added by stats. 1993-94.)

PERSONNEL FILES

Personnel records include any application, information, memoranda or internal investigation pertaining to present or past employees of the agency. Personnel matters are not public information (Government Code Section 6254[c]).

Penal Code Section 832.7 describes peace officer personnel records as confidential records, not to be disclosed in any criminal or civil proceeding except as required by Evidence Code Section 1043 (Pitchess Motion). Effective January 1, 1991, Penal Code Section 832.8 incorporates the home address as part of a peace officer personnel record.

Arrest and Detention Information on Peace Officers

Effective January 1, 1991, Penal Code Section 13300(k) and Labor Code Section 432.7(b) permit law enforcement agencies to release arrest, detention and past diversion program information to a peace officer's employing agency. Employing agencies receiving such information may only place the employee on administrative leave, using the information to initiate an independent internal affairs investigation.

INFORMATION RECEIVED THROUGH CLETS

The receipt of information from the California Law Enforcement Telecommunications System (CLETS) is restricted to criminal justice agencies (Government Code Sections 15153, 15163, and 15165, and CLETS Policies and Procedures Section 1.4.7). These sections restrict the CLETS network to official law enforcement purposes and the official business of any public agency. To maintain a connection with the CLETS network, a law enforcement agency must comply with CLETS regulations, maintain security of the equipment, perform security clearances on personnel using the system and provide user training. Restricted information from this system includes DMV, CJIS, NCIC and all other files accessed through CLETS.

CRIMINAL OFFENDER RECORD INFORMATION

Criminal Offender Record Information (CORI) is **summary** criminal history information compiled by criminal justice agencies for the purposes of identifying criminal justice offenders. The data includes a summary of arrests and dispositions at the federal, state and local level. Date-specific, single-incident information is not in CORI.

State and local CORI is used in the apprehension of criminal offenders by district attorneys in determining criminal charges, by probation officers in preparing pre-sentence reports for the court and in supervising probationers, by judges in determining sentences, and by county jails and state prisons.

CORI is also used to determine eligibility for some types of employment, licensing and certification.

Local agency records personnel have daily contact with CORI when requests for information from officers are received. Records supervisors are required to train the staff in the laws pertaining to the release of CORI and the criminal/civil liabilities for misuse of CORI.

The agency executive determines which of the staff within the organization shall have access to CORI. State law requires that criminal justice agencies submit applicant fingerprint cards or Live Scan to the Department of Justice (DOJ) for all employees who have access to CORI.

Penal Code Section 13300(c)(10) authorizes local law enforcement agencies to provide local summary criminal history information to a public entity when the information is needed to assist in screening prospective concessionaires.

State CORI

"State summary criminal history information" means the master record of information compiled by the Department of Justice containing the identification and criminal history of any person, such as name, date of birth, physical description, date of arrests, arresting agencies and booking numbers, charges and disposition of charges. The arrest entry is originated by the criminal fingerprint card submitted by the arresting and/or booking agency. A disposition form submitted to DOJ gives the outcome of the arrest. Additional entries on the criminal history record result from registration fingerprint cards (Penal Code Sections 290 and 457.1, and Health and Safety Code Section 11590) and fingerprint cards submitted by correctional institutions and county probation departments. Release of state CORI is covered in Penal Code Section 11105.

Local CORI

"Local summary criminal history information" means the master record of information compiled by any local criminal justice agency containing the identification and criminal history of any person, such as name, date of birth, physical description, date of arrests, arresting agencies and booking numbers, charges and disposition of charges. The 3" x 5" index card at the local agency which lists the subject's arrest history is CORI. Data stored in a local computer system relating to the arrests and dispositions of arrests is CORI. Release of local CORI is covered in Penal Code Section 13300.

**Legal
Requirements**

Section 11078 of the California Penal Code requires that, "Each agency holding or receiving criminal offender record information in a computerized system shall maintain, for such period as is found by the Attorney General to be appropriate, a listing of the agencies to which it has released or communicated such information."

California Code of Regulations Section 707**Automated Systems**

- (a) Automated systems handling criminal offender record information and the information derived therefrom shall be secure from unauthorized access, alteration, deletion or release. The computer system and terminals shall be located in secure premises. Non-criminal justice agencies shall not receive criminal offender record information directly from an automated criminal justice system.

- (b) Record checks shall be conducted on all personnel hired after July 1, 1975, who have access to the computer system, its terminals or the stored criminal offender record information.
- (c) Each authorized agency shall keep a record of each release of criminal offender record information from the automated system. The record shall be retained and available for inspection for a period of not less than three years from the date of release. This record shall contain the date of release, the requesting terminal identifier, the receiving terminal identifier and the information given.

**Right of Review by
Subject of Record**

The subject of a California Department of Justice record has the right to obtain and review a copy of the record. The subject must complete an application (BCID 8705) and submit the form, applicant fingerprint cards and a processing fee to DOJ. The processing fee may be waived for indigent persons if they submit proof of indigence to DOJ. If the person determines that an entry on the record is in error, the Department of Justice will provide instructions on the procedures for correction (Penal Code Section 11126). Local law enforcement agencies may provide the form and instructions for this procedure.

A person also has the right to obtain a copy of his/her local record. The requesting party must complete the forms required by the local agency and pay a processing fee (Penal Code Sections 13320-13323). Figure III-5 is a sample application for local record review (page III-20).

Figure III-5

Application for Local Record Review

California Penal Code Sections 13320-13323 afford persons concerning whom a local summary criminal history record is maintained in the files of the local criminal justice agency a reasonable opportunity to examine the record compiled from such files and refute any erroneous or inaccurate information contained therein.

The information requested below is necessary to determine if a record exists. Failure to supply this information may prevent this agency from providing you with a copy of your record. This application will be retained in your record folder, if one exists.

Any existing criminal record concerning you will be sent to you by mail or other appropriate means mutually agreeable to you and the Department.

The undersigned hereby applies to obtain a copy of his/her Local Criminal History Record:

(TYPE OR PRINT)

Applicant's Name _____
Last Name First Name Middle Name

Also Known As
(or Maiden Name) _____
Last Name First Name Middle Name

Mailing Address _____
Number Street

City State Zip Code

Date of Birth ____/____/____ Telephone Number _____
Month/Day/Year (8 a.m.-5 p.m.)

If you wish this record sent to someone other than yourself, or if you wish this record mailed to an address different from the one listed above, complete the following:

Name _____ Title _____

Mailing Address _____
Number Street

City State Zip Code

X

SIGNATURE OF APPLICANT

(A standard fingerprint form with the applicant's fingerprints imprinted thereon, containing all requested information, may be required for positive identification.)

Authorized Agency List

The Authorized Agency List is published by the California Department of Justice. The list is intended as a reference for agencies to use to determine if the requesting agency is authorized to receive state or local CORI. The list is not to be used to determine if an agency should have access to local crime and/or arrest reports. The release of local crime and/or arrest reports is covered by Government Code Sections 6254(f) and 6254.5, and by local agency policy.

The Authorized Agency List contains:

- agencies that *shall* have access to CORI, and
- the agencies that *may* have access to CORI.

Penal Code Sections 11105 and 13300 describe whether the agency is placed in the "shall" or "may" category.

When state CORI is to be used for employment, licensing or certification purposes, an authorized agency must submit applicant fingerprint cards and a processing fee to the Department of Justice in order to obtain edited criminal offender record information.

Agencies outside California are placed on the list after they furnish DOJ with a copy of the law which provides the agency with the authority to receive CORI in their state.

Other entities, such as youth organizations, financial institutions and public utilities, are included in the list, together with the statutory reference that provides authority to receive CORI.

Limited use of CORI for Employment, Licensing or Certification Purposes

The automated criminal history information system, accessed by CLETS, is generally *not* used for employment, licensing or certification purposes. This restriction also applies to peace officer applicants. The Central Valley v. Younger lawsuit resulted in a decision which prevents the use of CLETS terminals for employment purposes. Applicant fingerprint cards must always be submitted to DOJ to obtain state CORI.

Legislation enacted in 1995 allows local law enforcement agencies to query the State CLETS system in order to furnish criminal history information in certain circumstances to three public agencies. Penal Code Section 11105.03 allows screening prospective residents and staff of public housing. Education Code Section 35021.1 provides that an automated check of criminal history may be completed by local law enforcement for a school district for non-certified employees. Vehicle

Code Section 2431 provides that the California Highway Patrol shall utilize CLETS to conduct preliminary criminal history checks on applicants for tow truck driver.

The restrictions on release of CORI by the Department of Justice are as follows:

- Only those agencies identified by statute are eligible to receive CORI for employment, licensing or certification purposes. Criminal history records provided for these purposes will include only arrest entries that result in conviction and arrest entries that indicate active prosecution.
- Records for criminal justice agency applicants, as defined in Penal Code Section 13101, are exempt from limitations. All available information is provided for these requests. Arrests resulting in successful completion of any diversion program (Penal Code Sections 1000, 1000.6, 1001.50) or arrests resulting in exoneration of the subject will not be disclosed from the record.
- Arrest information for specified narcotic and sex crimes, regardless of disposition, will be provided for applicants for employment with a health care facility as defined in Health and Safety Code Section 1250. Refer to Health and Safety Code Section 1522.

Local agencies may wish to adopt similar guidelines for the release of local CORI for employment, licensing or certification purposes.

Release of CORI

When releasing state or local CORI, you must determine:

12. Is the person/agency authorized by law or court order to receive CORI ("**right to know**")?
 - a. For release of adult CORI, check the Authorized Agency List furnished by the Department of Justice.
 - b. For release of local juvenile CORI, check the court order issued by the Presiding Judge of the Juvenile Court (T.N.G. Order).

13. For what purpose is the CORI going to be used (“**need to know**”)?
- a. If the CORI is to be used for a criminal investigation, both state and local CORI may be released.
 - b. If the CORI is to be used for employment, licensing or certification purposes, except as allowed by statute, only local CORI may be released. The agency must submit applicant fingerprint cards and a processing fee to DOJ to obtain state CORI for these purposes. (Refer to Penal Code Section 11105.03 and Education Code Section 35021.1.)
 - c. If the CORI is to be used for a civil lawsuit, a court order must be issued that describes the state or local CORI that is required.
14. When *both* “right to know” *and* “need to know” have been established, information describing the release of CORI should be entered on the CORI Release Log.

The log provides an audit trail for the release of CORI. The log must be retained for at least three years.

Information on the log should include:

- a. requestor’s name and agency,
- b. date of release,
- c. type of CORI released,
- d. how data was transmitted (e.g., by telephone, by letter or in person), and
- e. name of person releasing CORI.

NOTE: *Out-of-state CORI obtained through NLETS must be protected and released under the same procedures as California CORI.*

If you have any questions regarding the release of state or local CORI, contact DOJ, Audits and Records Security at 916-227-3460.

A model directive for release of CORI is provided in the Model Directives Section, pages C-1 through C-5.

Misuse of CORI

Furnishing state or local CORI to a person not authorized to receive it may be a felony or misdemeanor offense. The subject of a record which was improperly released may also sue the employee and agency that released the CORI. Law enforcement employees may be held personally liable for civil (monetary) penalties. Figure III-6, page III-25, is a sample "Employee/Volunteer Statement Form - Use of Criminal Justice Information and Department of Motor Vehicle Record Information." Figure III-7, page III-26, is a sample CORI Release Log.

**Destruction of
CORI**

CORI must be destroyed in a manner that ensures that the subject's identity can no longer be reasonably ascertained, such as shredding, tearing, burning or recycling. If destruction takes place away from the agency, an agent of the agency must witness the destruction.

Figure III-6

Employee/Volunteer Statement Form

Use of Criminal Justice Information and Department of Motor Vehicle Record Information

As an employee of _____ Department, you may have access to confidential criminal records, criminal history information and/or Department of Motor Vehicle record information which is controlled by statute. This information regarding individuals may be local, county, state or federal in origin. Misuse of such information may adversely affect an individual's civil rights and violates the law.

Penal Code Section 502 prescribes the penalties relating to computer crimes. California Vehicle Code Section 1808.45 prescribes the penalties relating to misuse of Department of Motor Vehicle record information.

Penal Code Sections 11105 and 13300 identify who has access to criminal history and record information, and under what circumstances it may be released. Penal Code Sections 11141-11143 and 13302-13304 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public record and CLETS information. Penal Code Sections 11142 and 13303 state:

“Any person authorized by law to receive records or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.”

Any employee who is responsible for such misuse is subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action against the employee.

**BY MY SIGNATURE BELOW, I CERTIFY READING AND UNDER-
STANDING THE _____ DEPARTMENT'S POLICY
REGARDING MISUSE OF CRIMINAL RECORD INFORMATION AND
DEPARTMENT OF MOTOR VEHICLE RECORD INFORMATION.**

Signature: _____ Date: _____

LICENSING FILES

Licensing files are those kept in fulfillment of licensing responsibilities as established by statutes and ordinances. Examples of licensing files are:

- concealed weapons permits,
- secondhand dealer licenses,
- bingo permits,
- alarm permits,
- taxicab permits, and
- masseuse permits.

These files contain personal worth and financial data necessary to determine if a license or permit is to be granted. Data containing statements of personal worth or financial data required by a licensing agency is exempt from public inspection under Government Code Section 6254(n).

REGISTRANT FILES

Registrant files are those files created when a subject reports for registration under Penal Code Section 290 (sex offender), Health and Safety Code Section 11590 (drug offender), and Penal Code Section 457.1 (arson offender). These files contain criminal offender record information. They are subject to release under the requirements outlined in the section on criminal offender record information.

CITATIONS

There is no specific statute governing the release of traffic citations. Accepted practice is to consider traffic citations as court records. Adult court records are public records and can be released pursuant to the Public Records Act. Juvenile court records are subject to the County T.N.G. court order for juvenile records.

WARRANTS

There is no specific statute governing the release of misdemeanor warrant information. Accepted practice is to consider misdemeanor warrants to be court records and, therefore, public records that can be released pursuant to the Public Record Act.

Penal Code Section 168 prohibits the release of information related to felony arrest warrant and search warrant under certain circumstances.

“...Search warrant or warrant of arrest for felony; disclosure prior to execution; punishment:

- (a) Every district attorney, clerk, judge or peace officer who, except by issuing or in executing a search warrant or

warrant of arrest for a felony, willfully discloses the fact of the warrant prior to execution for the purpose of preventing the search or seizure of property or the arrest of any person shall be punished by imprisonment in the state prison or the county jail for not exceeding one year.

- (b) Nothing in this section shall prohibit disclosures made for the sole purpose of securing voluntary compliance with the warrant....”

Figure III-8, page III-29, depicts the flow chart for release of public information. Additionally, a model directive is provided in the Model Directives Section, pages B-1 through B-7.

DMV INFORMATION

Vehicle Code Section 1808.45 prohibits the willful, unauthorized disclosure of information from any Department of Motor Vehicles (DMV) record to any person, or the use of any false representation to obtain information from a DMV record or any use of information obtained from any DMV record for a purpose other than the one stated in the request or the sale or other distribution of the information to a person or organization for purposes not disclosed in the request is a misdemeanor, punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

No release of DMV records shall be authorized except for law enforcement purposes. Running registration, driving records, etc., is prohibited except as it relates to law enforcement operations and investigations.

PUBLIC INFORMATION RELEASE FLOW CHART

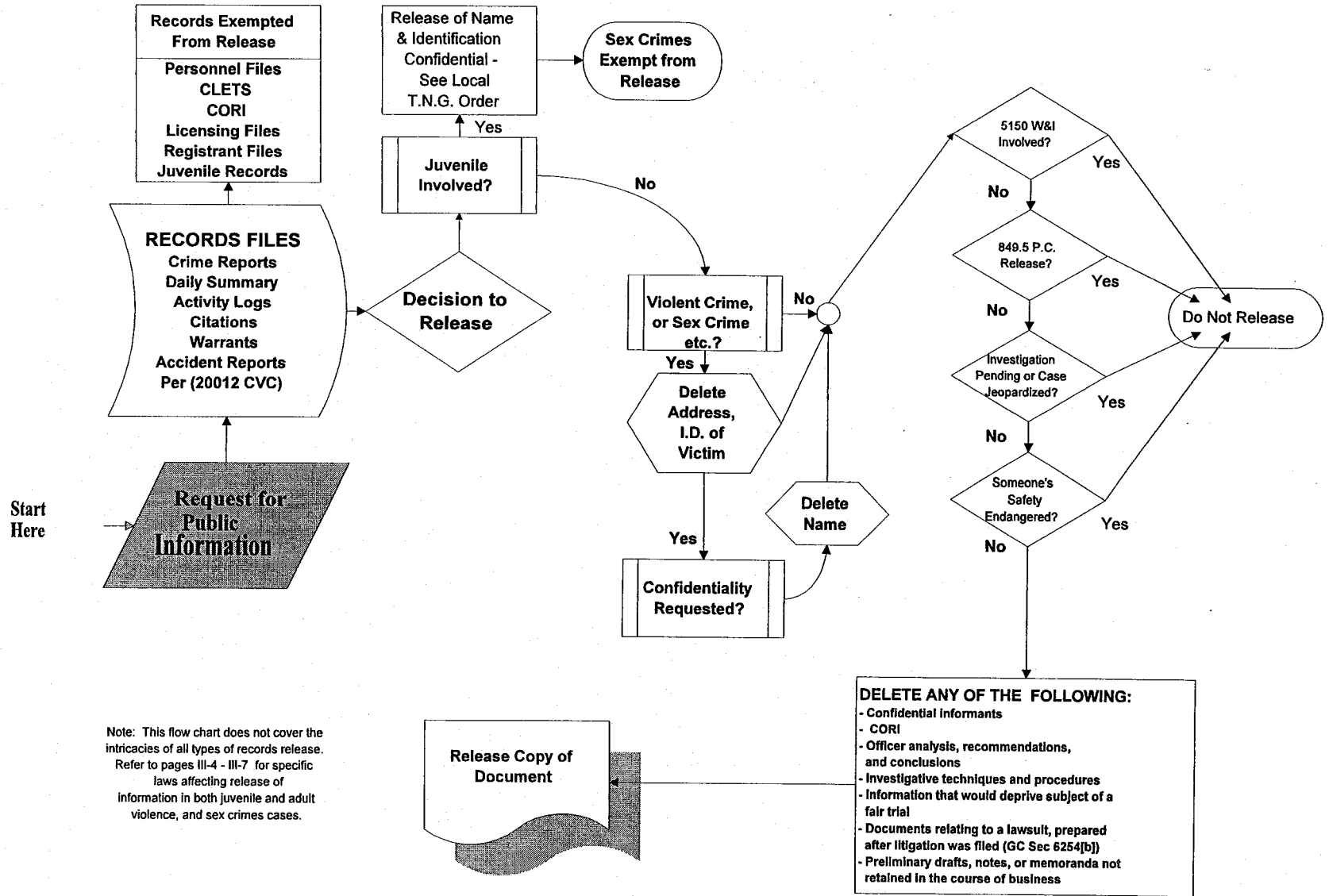


Figure III-8

Insert Tab #6

Statistics

IV. STATISTICS

INTRODUCTION

The purpose of this section is to introduce the elements and methods of statistical reporting as they apply to law enforcement activities.

Whether or not the agency employs specialized personnel to perform statistical and/or analytical functions, the central collection point for data is usually the Records Unit of the agency. For this reason, a basic understanding of the requirements of these activities is necessary.

Three elements of statistical reporting will be considered. First, the Uniform Crime Reports (UCR) required by the State of California and the United States Federal Bureau of Investigation will be identified. California Penal Code Section 13020 requires that law enforcement agencies shall keep such records as necessary to provide statistical information as required by the Attorney General. Therefore, these requirements must be considered in the design of records keeping systems to facilitate the extraction of the necessary data. These requirements and methods for extraction of data will be discussed.

The second area of statistical reporting discussed is management reporting. While there is no statutory requirement for these reports, most agencies prepare some type of statistical report for management use on a regular basis. The intent, design and application of this type of report will be explored.

Finally, the application of statistical data to crime analysis will be discussed. Crime analysis is a valuable tool for law enforcement agencies. The process, elements and methods of crime analysis will be introduced and applications will be discussed.

As an agency develops a statistical reporting/analysis program, one important factor must be emphasized. Any statistical compilation and/or analysis produced is only as reliable as the information recorded in the original source document (often a crime or other report). It is also a natural progression from the collection of information. As such, the desired result or output from such a program must be considered a part of the overall records keeping system. The quality and usefulness of these activities is directly related to the type, consistency, accuracy and completeness of information originally collected.

Statistical reporting and analysis have many applications within law enforcement. Large amounts of data are regularly collected and stored by police agencies. In and of itself, this assortment of information is relatively useless in the prevention and reduction of crime. Effective

statistical reporting and analysis provide some valuable tools which can be used to impact crime, monitor program effectiveness, assist in decision making and provide supporting data in other areas. Once a basic understanding of statistical reporting methods is achieved, applications which are tailored to individual agency needs can be developed. The purpose of this section is to provide the foundation for this development.

UNIFORM CRIME REPORTING

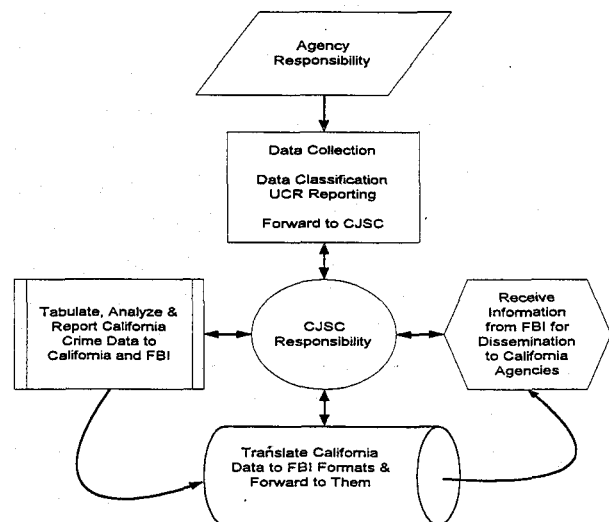
Uniform Crime Reporting (UCR) is a term coined to reflect the standards designed to ensure that criminal activity is reported uniformly nationwide. These standards are explained in detail in the *Uniform Crime Reporting Handbook* published by the United States Federal Bureau of Investigation. Since the actual scoring, classification and definitions are covered adequately in the *UCR Handbook*, these areas will not be specifically addressed in this manual. Instead, only those areas requiring additional explanation and those required by the State of California will be addressed. When your agency automates the reporting process, DOJ should be contacted for format requirements.

CJSC/FBI Reporting Relationships

In some states, each agency reports crime statistics directly to the FBI. In California, however, the State has designated the Department of Justice, Criminal Justice Statistics Center (CJSC) as the central collection point for all California law enforcement agencies. CJSC, in turn, submits the required information to the FBI monthly.

The State Legislature has also placed reporting requirements on CJSC that exceed the FBI UCR requirements. Therefore, the CJSC should be considered the appropriate source for questions, concerns and information about crime and delinquency statistical reporting requirements. Figure IV-1 represents agency, CJSC and FBI reporting relationships.

Figure IV-1
STATISTICAL REPORTING RELATIONSHIP



Crime Classifications

In UCR reporting, Part I and Part II crimes have been defined. Part I crimes are offenses that most likely will be reported to law enforcement agencies based on their seriousness and frequency of occurrence. The eight crime classifications considered to be Part I offenses must be calculated and reported to CJSC by the tenth working day of each month for the previous month. Part I crimes include the following offenses:

1. Homicide
2. Rape
3. Robbery
4. Assault (simple & aggravated)
5. Burglary
6. Larceny (Theft)
7. Motor Vehicle Theft
8. Arson

In the order listed, these represent the "hierarchy" of Part I crimes. That is, if multiple offenses occur within the same incident, only the highest offense on the "hierarchy" list is counted. Arson and justifiable homicide are exceptions to this rule. The hierarchy rule is explained in detail in the *Uniform Crime Reporting Handbook*.

The *UCR Handbook* also defines Part II crimes. These are offenses less likely to be reported. The 21 Part II classifications represent crimes commonly reported to law enforcement agencies. Part II crimes are grouped together according to the general nature of the offense for ease of comparison and analysis. There is no requirement to report information to CJSC or the FBI on Part II crimes; however, use of these classifications can be helpful in other statistical reporting or analysis activities. Part II classifications are:

- | | |
|--|---|
| 1. Other Assaults | 11. Gambling |
| 2. Forgery/Counterfeiting | 12. Offenses Against Family/Child |
| 3. Fraud | 13. Drunk Driving |
| 4. Embezzlement | 14. Liquor Laws |
| 5. Stolen Property/Buy/
Receive/Possess | 15. Drunkenness |
| 6. Vandalism | 16. Disorderly Conduct |
| 7. Weapons Violations | 17. Vagrancy |
| 8. Prostitution/Vice | 18. All Other Offenses |
| 9. Sex Offenses | 19. Suspicion |
| 10. Drug Offenses | 20. Curfew/Loitering (persons under 18) |
| | 21. Runaway (persons under 18) |

Crime classification and scoring for the required statistical reports are covered in detail in the *UCR Handbook*; however, there are several significant areas that need to be pointed out here.

1. In crimes against persons (homicide, rape and assault), one offense is counted for each VICTIM, not each case number. For example, a man goes berserk and kills his wife and daughter. One crime report would be taken showing a homicide had occurred with two victims. The CJSC report would count two homicides for that month based on the number of victims.
2. Because the UCR standards apply nationwide, the crime classifications dictated by California laws (primarily Penal Code sections) may differ from the UCR definitions. Burglary is the most notable example of this difference. UCR defines burglary as "the unlawful entry of a structure to commit a theft." Under California law, entry into a locked vehicle to commit theft is considered and charged as burglary. Clearly, vehicle burglary does not qualify as a burglary under the UCR definition.

This discrepancy occurs because penal statutes vary widely from state to state. To ensure that accurate comparisons are made at the national level, each classification is defined by UCR without regard for state penal statutes. In most cases, state criminal statutes will coincide with UCR definitions. However, in those cases where they do not, UCR definitions must be used and California statutory definitions ignored in classifying offenses for UCR reporting purposes only.

3. Since UCR statistics are used to track crime trends and patterns, cumulative reporting is required. This means that in any given month the UCR reports will reflect the current month's reported activities plus (or minus) any additions (or deletions) and changes in status of crimes on previous months' reports.

For example, in March, 14 burglaries were reported. In April, there were 23 new offenses reported. Further investigation revealed that 3 of the March cases were unfounded and 1 additional one was processed late and not on the March report. The April report would show:

Reported: 24 Unfounded: *3 Actual: 21

The asterisk indicates that the figure includes information relating to offenses reported to CJSC in previous months. Potential areas for this to occur are:

1. Unfounded
2. Clearances
3. Clearances by juvenile arrests
4. Property values (add or delete)

Because of this element, it is possible to show a negative number in a field, particularly if the number of reported offenses is very small (usually homicide or rape). For example, if one rape is reported in April and during the month investigation determined that two rapes reported in February and March were unfounded, the report would show:

	<u>Reported</u>	<u>Unfounded</u>	<u>Actual</u>
Rape	1	*2	-1

The result of this situation is that one rape is added and two are subtracted from the cumulative totals kept by CJSC and FBI.

Another area which may raise questions of accuracy is case clearance. The *UCR Handbook* specifically defines a case clearance as either arrested or exceptional. Arrested means a suspect was actually arrested and charged. An exceptional clearance requires several elements to be present:

- Identity of the offender must be positively established.
- There must be enough information to turn the suspect over to the court for prosecution.
- The exact location of the suspect must be known so that he/she could be taken into custody.
- There must be some reason outside of the control of the law enforcement agency preventing the arrest and prosecution of the suspect.

Since individual agencies may, as a matter of policy, define case clearance requirements differently, discrepancies may occur between the internal case clearance figures and those reported to CJSC.

These four elements are covered in the *UCR Handbook*. They are mentioned here because they represent the primary reasons why the UCR crime figures frequently do not balance with those maintained internally by the agency. Most discrepancies can be explained by these four areas.

Crime Index

Both the FBI and CJSC publish periodic reports comparing various aspects of the data reported. Crimes are categorized into an index, or standard, by which an agency can gauge its standing compared to the state; national overall; or agencies of similar size, structure or location.

Be aware the California and FBI indices vary slightly in content and may cause some confusion when making comparisons. The classifications included in each index are listed below.

California Crime Index

Willful Homicide
Forcible Rape
Robbery
Aggravated Assault
Burglary
Motor Vehicle Theft

FBI Crime Index

Willful Homicide
Forcible Rape
Robbery
Aggravated Assault
Burglary
Larceny
Motor Vehicle Theft
Arson

California and FBI Crime Indices: A Comparison

There can be a significant difference, depending upon the index used. When making comparisons, the same index should be used to ensure the accuracy and meaning of the figures and percent changes.

For example, the media will often report that Part I crimes were up (or down) for a given year, as compared to a previous year. Depending upon which publication they obtained the figures from, either the California or FBI index could be the gauge. When measuring an individual agency's status against such reports, the same index should be used to ensure consistency.

Required Statistical Reports

There are ten reports that must be submitted to Criminal Justice Statistics Center (CJSC) monthly:

- Return A
- Supplement to Return A - Monthly Return of Offenses Known to Police – two sides:
 - Side 1 - Property by Type and Value
 - Side 2 - Property Stolen by Classification
- Supplementary Homicide Report
- Law Enforcement Officers Killed or Assaulted (LEOKA)
- Monthly Return of Arson Offenses Known to Law Enforcement
- Number of Violent Crimes Committed Against Senior Citizens
- Monthly Report of Domestic Violence-Related Calls for Assistance
- Monthly Arrest and Citation Register
- Monthly Hate Crime Report
- Information Required for Death in Custody Reporting

Each report is described below with its DOJ form number.

- Return A – 4-927 (see Figure IV-2, page IV-11)

This form reports the number of Part I crimes reported during the month, the number of crimes unfounded and the actual number (reported minus unfounded) of offenses for each month. Also recorded on this form are case clearances (using UCR criteria) and those cleared by juvenile arrests only.

- Supplement to Return A – JUS 729B & JUS 729C (see Figure IV-3, pages IV-12 and IV-13)

This two-sided report (separately numbered) records the dollar loss for Part I crimes in two different ways. First, the dollar loss is calculated for property stolen and recovered by property type. The second side of the form records the property stolen within each Part I crime classification. The total dollar loss figures on this form must balance. That is, the total loss reported by crime classification should be equal to the total loss by property type. Additionally, the number of actual offenses on Return A should be equal to the total for each crime on the Supplement to Return A.

- Supplementary Homicide Report – LEIC 15 (see Figure IV-4, pages IV-14 and IV-15)

This report captures additional information on each homicide reported on Return A. The case number; date of incident; name, age, sex and race of the victim and the offender (if known);

victim/offender relationship; type of weapon, a brief description of the circumstances of the crime; and whether or not the crime has been cleared are indicated on the form. This form does not have to be submitted if there are none to be reported for the month.

- Law Enforcement Officers Killed or Assaulted (LEOKA) – I-705 (see Figure IV-5, page IV-16)

This report form tracks the incidents of officer deaths and assaults in the line of duty. Various information is recorded on this form concerning the activity the officer was involved in at the time of the injury, whether the officer was alone or assisted, the type of weapon used and other pertinent data. Instructions for completion are printed on the back side of the form.

- Monthly Return of Arson Offenses Known to Law Enforcement – I-725 (see Figure IV-6, page IV-17)

This report collects data on the nature of the arson, dollar loss and clearances. This is one of two Part I categories in which incidents are double counted. For example, if a burglary occurs and a fire is set to cover up the crime, the burglary would be counted on Return A and the arson would be counted on the Arson Report. Normally, when two Part I crimes are involved in the same incident, only the highest offense is counted. Arson and justifiable homicide are the only exceptions to that rule; both are included in the UCR reports.

- Number of Violent Crimes Committed Against Senior Citizens – BCS 727 (see Figure IV-7, page IV-18)

This form tracks the number of violent crimes committed against citizens 60 years of age or older. Only the number of homicides, rapes, robberies and aggravated assaults with elderly victims need be reported. These crimes are not double counted and figures should reflect the number of total crimes reported on Return A in which the victim was 60 years of age or older.

- Monthly Report of Domestic Violence-Related Calls for Assistance – CJSC 715 (see Figure IV-8, page IV-19)

Again, these crimes are not double counted. The figures should reflect the number of total crimes reported on Return A which resulted from a domestic violence-related incident. The total

number of incidents is required as well as the total number of incidents involved in each weapon category. LEIC has also requested a breakdown by the type of weapon used.

- Monthly Arrest and Citation Register – JUS 750
(see Figure IV-9, page IV-20)

This report is a formatted listing of all arrests made during the month. One report is required for adults and a separate one for juveniles. Various information about the arrest and the arrestee is included on the form. Specific guidelines for completion of this report are contained in a manual titled *Standards for Monthly Arrest and Citation Register Reporting* published by the California Department of Justice. Questions should be directed to DOJ, Robin Tipton, at 916-227-3516.

- Monthly Hate Crime Report (see Figure IV-10, page IV-21)

This reporting requirement is new pursuant to California Penal Code Section 13023. All law enforcement agencies are required to submit copies of hate motivated crime reports to the Department of Justice, Criminal Justice Statistics Center on a monthly basis.

Hate crimes, as defined under Section 13023 Penal Code, are: *“any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim’s race, ethnicity, religion, sexual orientation, or physical or mental disability.”* Physical or mental disability is not part of the FBI definition of hate crime, but is included in the California Penal Code and shall be included in the definition of hate crime by all California law enforcement agencies.

Each report should be reviewed by at least one other peace officer (e.g., sergeant, lieutenant, captain) to confirm that the incident was, in fact, a hate crime. Every agency should have a two-tiered review procedure in place. The report(s) should be clearly identified as a hate crime incident and included with the Uniform Crime Reporting (UCR) forms that are submitted monthly.

If there are no hate crimes to report, there *must* be a negative report. Although DOJ will provide a copy of this form (LEIC 14), it is acceptable to use this format on 8 1/2" X 11" paper.

The Criminal Justice Statistics Center will extract the appropriate data from all hate crime reports, confirm it is a hate crime and then forward the data to the FBI for inclusion in the FBI's yearly hate crimes report.

- Information Required for Death in Custody Reporting – CJSC 713 (9/99) (see Figure IV-11, page IV-22)

The Death in Custody report is required pursuant to California Government Code Section 12525. The report is required in any case in which a person dies while in the custody of a law enforcement agency or local or state correctional facility. The agency shall report in writing to the California Attorney General, within ten (10) days after the death, all facts in their possession concerning the death.

Report forms and manuals can be obtained from DOJ, free of charge, by mail, telephone (916-227-3558) or teletype request. Forms may also be requested at the Special Request link on the Attorney General's web site at www.caag.state.ca.us. Special Request may also be phoned at 916-227-3509. On-site technical training is also readily available from DOJ. These ten reports comprise the DOJ, State-required reports and should be mailed to:

Department of Justice
Criminal Justice Statistics Center
P.O. Box 903427
Sacramento, CA 94203-4270

Figure IV-2

RETURN A

RETURN A - MONTHLY RETURN OF OFFENSES KNOWN TO THE POLICE

PAGE 1

4-927 (Rev. 8-7-89)
Form Approved
OMB No. 1110-0001

1 CLASSIFICATION OF OFFENSES	2 OFFENSES REPORTED OR KNOWN TO POLICE (INCLUDE "UNFOUNDED" AND ATTEMPTS)	3 UNFOUNDED, I.E., FALSE OR BASELESS COMPLAINTS	4 NUMBER OF ACTUAL OFFENSES (COLUMN 2 MINUS COLUMN 3) (INCLUDE ATTEMPTS)	5 TOTAL OFFENSES CLEARED BY ARREST OR EXCEPTIONAL MEANS (INCLUDES COL. 6)	6 NUMBER OF CLEARANCES INVOLVING ONLY PERSONS UNDER 18 YEARS OF AGE
1. CRIMINAL HOMICIDE*					
a. MURDER AND NONNEGLIGENT HOMICIDE (score attempts as aggravated assault) If homicide reported, submit Supplementary Homicide Report					
b. MANSLAUGHTER BY NEGLIGENCE					
2. FORCIBLE RAPE TOTAL					
a. Rape by Force					
b. Attempts to commit Forcible Rape					
3. ROBBERY TOTAL					
a. Firearm					
b. Knife or Cutting Instrument					
c. Other Dangerous Weapon					
d. Strong-Arm (Hands, Feet, Etc.)					
4. ASSAULT TOTAL					
a. Firearm					
b. Knife or Cutting Instrument					
c. Other Dangerous Weapon					
d. Hands, Feet, Etc. - Aggravated Injury					
e. Other Assaults - Simple, Not Aggravated					
5. BURGLARY TOTAL					
a. Forcible Entry					
b. Unlawful Entry - No Force					
c. Attempted Forcible Entry					
6. LARCENY-THEFT TOTAL (Except Motor Vehicle Theft)					
7. MOTOR VEHICLE THEFT TOTAL					
a. Autos					
b. Trucks and Buses					
c. Other Vehicles					
GRAND TOTAL					

CHECKING ANY OF THE APPROPRIATE BLOCKS BELOW WILL ELIMINATE YOUR NEED TO SUBMIT REPORTS WHEN THE VALUES ARE ZERO. THIS WILL ALSO AID THE NATIONAL PROGRAM IN ITS QUALITY CONTROL EFFORTS.

☐ NO SUPPLEMENTARY HOMICIDE REPORT SUBMITTED SINCE NO MURDERS, JUSTIFIABLE HOMICIDES, OR MANSLAUGHTER BY NEGLIGENCE OCCURRED IN THIS JURISDICTION DURING THE MONTH.

☐ NO SUPPLEMENT TO RETURN A REPORT SINCE NO CRIME OFFENSES OR RECOVERY OF PROPERTY REPORTED DURING THE MONTH.

☐ NO LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED REPORT SINCE NONE OF THE OFFICERS WERE ASSAULTED OR KILLED DURING THE MONTH.

☐ NO AGE, SEX, AND RACE OF PERSONS ARRESTED UNDER 18 YEARS OF AGE REPORT SINCE NO ARRESTS OF PERSONS WITHIN THIS AGE GROUP.

☐ NO AGE, SEX, AND RACE OF PERSONS ARRESTED UNDER 18 YEARS OF AGE AND OVER REPORT SINCE NO ARRESTS OF PERSONS WITHIN THIS AGE GROUP.

☐ NO MONTHLY RETURN OF ARSON OFFENSES KNOWN TO LAW ENFORCEMENT REPORT SINCE NO ARSONS OCCURRED.

Month and Year of Report

NCIC Agency Number

Population

Date

Prepared By

Title

Agency and State

Chief, Commissioner, Sheriff, or Superintendent

Figure IV-3

SUPPLEMENT TO RETURN A (Side 1) **MONTHLY RETURN OF OFFENSES KNOWN TO POLICE**

SUPPLEMENT TO RETURN A **MONTHLY RETURN OF OFFENSES KNOWN TO THE POLICE**

INSTRUCTIONS: Total offenses recorded on this form should be the same as the number of actual offenses listed in column 4 of Return A (for each crime class). Include attempted crimes on this form and Return A.

This form deals with the nature of crime (type of act and place committed) and the value of property stolen and the amount recovered. Tally Sheets for this form will be sent upon request.

PROPERTY BY TYPE AND VALUE

Type of Property	DATA ENTRY	Value of Property Stolen and Recovered in Your Jurisdiction	
(1)		Stolen (2)	Recovered (3)
(A) Currency, Notes, etc.	01		
(B) Jewelry and Precious Metals	02		
(C) Clothing and Furs	03		
(D) Locally Stolen Motor Vehicles	04		
(E) Office Equipment	05		
(F) Televisions, Radios, Stereos, etc.	06		
(G) Firearms	07		
(H) Household Goods	08		
(I) Consumable Goods	09		
(J) Livestock	10		
(K) Miscellaneous	11		
TOTAL	00		

NOTE: Total of column (2) should agree with grand total (DATA ENTRY 77) shown on page 2. In column (3) include all property recovered even though stolen in prior months. The above is an accounting for only that property stolen in your jurisdiction. This will include property recovered for you by other jurisdictions but not property you recover for them.

AGENCY	AGENCY IDENTIFIER	MONTH AND YEAR OF REPORT
DATE		
PREPARED BY		TITLE
CHIEF OR SHERIFF		

FORWARD BY 10th WORKING DAY AFTER CLOSE OF MONTH TO:

OFFICE OF MANAGEMENT, EVALUATION AND TRAINING
LAW ENFORCEMENT INFORMATION CENTER
P. O. BOX 903427
Sacramento, CA 94203-4270

Figure IV-3 (Continued)

SUPPLEMENT TO RETURN A (Side 2) **PROPERTY STOLEN BY CLASSIFICATION**

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION	DATA ENTRY	Number of Actual Offenses (Column 4 Return A)	Value of Property Stolen (Report Whole Dollars Only)
1. MURDER AND NONNEGLIGENT MANSLAUGHTER	12		
2. FORCIBLE RAPE (Total)	20		
3. ROBBERY			
(a) HIGHWAY (Streets, Alleys, etc.)	31		
(b) COMMERCIAL HOUSE (Except c, d, f)	32		
(c) GAS OR SERVICE STATION	33		
(d) CONVENIENCE STORE	34		
(e) RESIDENCE (Anywhere on Premises)	35		
(f) BANK	36		
(g) MISCELLANEOUS	37		
TOTAL ROBBERY	30		
4. ASSAULT (Not Applicable)			
5. BURGLARY - BREAKING OR ENTERING			
(a) RESIDENCE (Dwelling)			
(1) NIGHT (6 P.M. - 6 A.M.)	51		
(2) DAY (6 A.M. - 6 P.M.)	52		
(3) UNKNOWN	53		
(b) NON-RESIDENCE (Store, Office, etc.)			
(1) NIGHT (6 P.M. - 6 A.M.)	54		
(2) DAY (6 A.M. - 6 P.M.)	55		
(3) UNKNOWN	56		
TOTAL BURGLARY	50		
6. LARCENY - THEFT (Except Motor Vehicle Theft)			
(a) OVER \$400	64		
(b) \$200 THROUGH \$400	61		
(c) \$50 TO \$199	62		
(d) UNDER \$50	63		
TOTAL LARCENY (Same As Item 6X)	60		
7. MOTOR VEHICLE THEFT (Include Alleged Joy Ride)	70		
GRAND TOTAL - ALL ITEMS	77		
ADDITIONAL ANALYSIS OF LARCENY AND MOTOR VEHICLE THEFT (6X AND 7X)			
6X. NATURE OF LARCENIES UNDER ITEM 6			
(a) POCKET-PICKING	81		
(b) PURSE-SNATCHING	82		
(c) SHOPLIFTING	83		
(d) FROM MOTOR VEHICLES (Except e)	84		
(e) MOTOR VEHICLE PARTS AND ACCESSORIES	85		
(f) BICYCLES	86		
(g) FROM BUILDINGS (Except c and h)	87		
(h) FROM ANY COIN-OPERATED MACHINES (Parking Meters, etc.)	88		
(i) ALL OTHER	89		
TOTAL LARCENIES (Same As Item 6)	80		
7X. MOTOR VEHICLES RECOVERED			
(a) STOLEN LOCALLY AND RECOVERED LOCALLY	91		
(b) STOLEN LOCALLY AND RECOVERED BY OTHER JURISDICTIONS	92		
(c) TOTAL LOCALLY STOLEN MOTOR VEHICLES RECOVERED	90		
(d) STOLEN OUT OF TOWN, RECOVERED LOCALLY	93		

SUPPLEMENTARY HOMICIDE REPORT

In view of the importance of the homicide classification in crime reporting, it is requested that the following supplementary report be filled in and transmitted with the monthly Return A to: Office of Management, Evaluation and Training, Law Enforcement Information Center, P. O. Box 903427, Sacramento, CA 94203-4270.

1A. MURDER AND NON-NEGLIGENT MANSLAUGHTER

1. Number of willful killings without due process of law. (Column 2 of Return A.) Do not include suicides or attempts to murder. Attempts to murder should be scored as Aggravated Assault on the Return A. 1. _____
2. Number of cases classified as justified or excusable, limited to killing of a person by a peace officer in the line of duty and the killing of a felony by a private citizen. (Column 3 of Return A.) 2. _____
3. Actual offenses. (The difference between 1 and 2 above.) (Column 4 of Return A.) 3. _____

1B. MANSLAUGHTER BY NEGLIGENCE

1. Number of killings of another person through gross negligence. (Do not list traffic deaths.) (Score deaths below in Columns 2 and 4 of Return A.) 1. _____

(COMPLETE ALL SECTIONS BELOW)

Indicate briefly below the circumstances of the case(s)

CASE NUMBER/ DATE OF INCIDENT	VICTIM and OFFENDER (if known)				VICTIM/ OFFENDER RELATIONSHIP	WEAPON (handgun, shotgun, rifle, knife, club, etc.)	CIRCUMSTANCES (victim shot by robber, gang or drug related, etc.) LOCATION OF HOMICIDE (street, victim's residence, bar, etc.)	CLEARED Yes or No
	NAME	AGE	SEX	RACE/ ETHNICITY				
	V							
	O							
	V							
	O							
	V							
	O							
	V							
	O							

Month _____, 19 _____

Agency _____ State _____

Figure IV-4 (Continued)

SUPPLEMENTARY HOMICIDE REPORT (Continued)

SUPPLEMENTARY HOMICIDE REPORT (continued)

CASE NUMBER/ DATE OF INCIDENT	VICTIM and OFFENDER (if known)				VICTIM/ OFFENDER RELATIONSHIP	WEAPON (handgun, shotgun, rifle, knife, club, etc.)	CIRCUMSTANCES (Victim shot by robber, gang or drug related, etc.) LOCATION OF HOMICIDE (street, victim's residence, bar, etc.)	CLEARED Yes or No
	NAME	AGE	SEX	RACE/ ETHNICITY				
	V							
	O							
	V							
	O							
	V							
	O							
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	V							
	O							

Figure IV-5

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED (LEOKA)

1-705 (Rev. 9-17-96)		LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED										Form Approved OMB No. 1110-0008																																											
<p>It is requested this report be completed and transmitted with monthly crime reports to: Federal Bureau of Investigation, Criminal Justice Information Services Division, Attention: Uniform Crime Reports/Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306. This form should be used to report the number of your officers who were assaulted or killed in the line of duty during the month. Additional information concerning officers killed will be requested by a separate questionnaire.</p>																																																							
<table border="1" style="width:100%"> <tr> <td colspan="10">OFFICERS KILLED</td> <td colspan="4"></td> </tr> <tr> <td colspan="10">Number of your law enforcement officers killed in the line of duty this month.</td> <td colspan="4">By felonious act _____</td> </tr> <tr> <td colspan="10"></td> <td colspan="4">By accident or negligence _____</td> </tr> </table>														OFFICERS KILLED														Number of your law enforcement officers killed in the line of duty this month.										By felonious act _____														By accident or negligence _____			
OFFICERS KILLED																																																							
Number of your law enforcement officers killed in the line of duty this month.										By felonious act _____																																													
										By accident or negligence _____																																													
Officers Assaulted (Do not include officers killed) - See other side for instructions.																																																							
Type of Activity	Total Assaults by Weapon A	Type of Weapon					Type of Assignment						Police Assaults Cleared M																																										
		Firearm B	Knife or Other Cutting Instrument C	Other Dangerous Weapon D	Hands, Fists, Feet, etc. E	Two-Officer Vehicle F	One-Officer Vehicle		Detective or Special Assign.		Other																																												
							Alone G	As-sisted H	Alone I	As-sisted J	Alone K	As-sisted L																																											
1. Responding to "Disturbance" calls (family quarrels, man with gun, etc.)																																																							
2. Burglaries in progress or pursuing burglary suspects																																																							
3. Robberies in progress or pursuing robbery suspects																																																							
4. Attempting other arrests																																																							
5. Civil disorder (riot, mass disobedience)																																																							
6. Handling, transporting, custody of prisoners																																																							
7. Investigating suspicious persons or circumstances																																																							
8. Ambush - no warning																																																							
9. Mentally deranged																																																							
10. Traffic pursuits and stops																																																							
11. All other																																																							
12. TOTAL (1-11)																																																							
13. Number with personal injury							<div style="border: 1px solid black; padding: 5px;"> DO NOT WRITE HERE <table border="1" style="width:100%"> <tr><td>Initials</td></tr> <tr><td>Recorded</td></tr> <tr><td>Edited</td></tr> <tr><td>Punched</td></tr> <tr><td>Verified</td></tr> <tr><td>Adjusted</td></tr> </table> </div>							Initials	Recorded	Edited	Punched	Verified	Adjusted																																				
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Adjusted																																																							
14. Number without personal injury																																																							
15. Time of assaults																																																							
	AM																																																						
	PM																																																						
		12:01	2:00	4:00	6:00	8:00	10:00	12:00																																															
Month and Year		Agency Identifier				Prepared by				Title																																													
Agency		State				Chief, Sheriff, Commissioner, Superintendent																																																	

MONTHLY RETURN OF ARSON OFFENSES KNOWN TO LAW ENFORCEMENT

1-725 (Rev. 4-24-95)
Form Approved
OMB No. 1110-0008

This report is authorized by law Title 28, Section 534, United States Code, and the enactment of the fiscal year 1979, Department of Justice Authorization Bill S. 3151. While you are not required to respond, your cooperation in using this form to report all incidents of arson which become known to your department during the month will assist the FBI in compiling comprehensive, accurate data on a timely basis. Instructions appear on reverse side.

1 PROPERTY CLASSIFICATION		2 Offenses Reported or Known to Police (Include Unfounded and Attempts)	3 Unfounded, i.e. False or Baseless Complaints	4 Number of Actual Offenses (Column 2 Minus Column 3 (Include Attempts)	5 Total Offenses Cleared by Arrest or Exceptional Means (Include Column 6)	6 Number of Clearances Involving Only Persons Under 18 Years of Age	7 Offenses Where Structures Uninhabited, Abandoned, or not Normally in Use	8 Estimated Value of Property Damage
S T R U C T U R A L	A. Single Occupancy Residential: Houses, Townhouses, Duplexes, etc.							\$
	B. Other Residential: Apartments, Tenements, Flats, Hotels, Motels, Inns, Dormitories, Boarding Houses, etc.							\$
	C. Storage: Barns, Garages, Warehouses, etc.							\$
	D. Industrial/Manufacturing							\$
	E. Other Commercial: Stores, Restaurants, Offices, etc.							\$
	F. Community/Public: Churches, Jails, Schools, Colleges, Hospitals, etc.							\$
	G. All Other Structure: Out Buildings, Monuments, Buildings Under Construction, etc.							\$
TOTAL STRUCTURE								\$
M O B I L E	H. Motor Vehicles: Automobiles, Trucks, Buses, Motorcycles, etc.: UCR Definition							\$
	I. Other Mobile Property: Trailers, Recreational Vehicles, Airplanes, Boats, etc.							\$
	TOTAL MOBILE							\$
J. TOTAL OTHER Crops, Timber, Fences, Signs, etc.								\$
GRAND TOTAL								\$

Agency Identifier _____ Month _____

Agency _____ State _____

Prepared by _____

Chief, Commissioner, Sheriff, or Superintendent

DO NOT WRITE HERE	
Recorded	
Edited	
Entered	
Adjusted	
Corres.	

FBI/DOJ

MONTHLY RETURN OF ARSON OFFENSES
KNOWN TO LAW ENFORCEMENT

Figure IV-6

Figure IV-7

NUMBER OF VIOLENT CRIMES COMMITTED AGAINST SENIOR CITIZENS

NUMBER OF VIOLENT CRIMES COMMITTED AGAINST SENIOR CITIZENS

IN ACCORDANCE WITH SENATE CONCURRENT RESOLUTION NO. 64, IT IS REQUESTED THAT LOCAL LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF JUSTICE PROVIDE THE LEGISLATURE WITH STATISTICAL INFORMATION CONCERNING VICTIMS OF VIOLENT CRIMES WHO ARE 60 YEARS OF AGE OR OLDER.

Please complete one form for each month and submit it with your "Return A - Monthly Return of Offenses Known to the Police." Report the number of persons, 60 years of age or older, who were victims of any of the crimes shown below. When multiple crimes occurred during a single incident, show only the most serious for each victim according to the order of the following list.

TYPES OF VIOLENT CRIMES		NUMBER OF VICTIMS 60 YEARS OF AGE OR OLDER
1	HOMICIDE	
2	FORCIBLE RAPE	
3	ROBBERY	
4	AGGRAVATED ASSAULT	
5	TOTAL	

NAME OF AGENCY

AGENCY NCIC NUMBER

REPORT PERIOD (MONTH AND YEAR)

PREPARED BY

If you have no data to report for the month, please write the word "NONE" across the face of this form and submit it with your "Return A".

RETURN TO:
BUREAU OF CRIMINAL STATISTICS
P. O. BOX 903427
SACRAMENTO, CA 95203-4270

Figure IV-8

MONTHLY REPORT OF DOMESTIC VIOLENCE-RELATED CALLS FOR ASSISTANCE

MONTHLY REPORT OF DOMESTIC VIOLENCE-RELATED CALLS FOR ASSISTANCE California Penal Code (PC) Section 13730(a)

Type of data		Number
Total domestic violence calls received and verified		
Total cases in which weapons were involved		
S U B T O T A L	Firearm	
	Knife or cutting instrument	
	Other dangerous weapon	
	Personal weapon (hands, fists, feet, etc.)	

NAME OF AGENCY _____

AGENCY NCIC NUMBER _____

REPORT PERIOD (MONTH AND YEAR) _____

PREPARED BY _____

INSTRUCTIONS FOR COMPLETION:

**REPORT ONLY THOSE DOMESTIC VIOLENCE-RELATED CALLS FOR ASSISTANCE
WHICH HAVE BEEN VERIFIED. SEE REVERSE SIDE OF THIS FORM FOR
PENAL CODE STATUTES TO BE USED WHEN COMPLETING THIS FORM.**

1. Enter the total number of domestic violence-related calls that are received and verified by your agency in the "Total domestic violence calls received and verified" column. Of the "Total domestic violence calls received and verified," enter the number of cases involving weapons in the "Total cases in which weapons were involved" column. Of the "Total cases in which weapons were involved," enter the subtotal for each weapon category.
2. Complete one form for each month and submit the form with your "Return A - Monthly Return of Offenses Known to the Police."
3. If there are no calls received during the report period, write the word "NONE" across the face of this form and submit it with your "Return A."

RETURN TO:

CRIMINAL JUSTICE STATISTICS CENTER
P. O. BOX 903427
SACRAMENTO, CA 94203-4270

CJSC 715 (Rev. 9/97)
BGS FORMS DESK

Figure IV-9

MONTHLY ARREST AND CITATION REGISTER

Agency: _____ NCIC No. _____ Month: _____ Year: _____

Prepared by: _____ Phone: (____) _____

Check ☐ ADULT ☐ NO ADULTS TO REPORT ☐ NO JUVENILES TO REPORT

Check ☐ ADULT ☐ JUVENILE ☐ IN/OUT

Page: _____

LOCAL REGISTER NUMBER	NAME Last First Middle	RACE One Code Description	BIRTHDATE Mo Day Yr	SEX M F	DATE ARRESTED Mo Day Yr	LEVEL 1 2 3	CHARGES Section Only	ETC STATUS Only	LAW ENF Only	DISPO 1 2 3 4 5 6	ARRESTING AGENCY
1		A - Other Asian				1 2 3					
2		B - Black				1 2 3					
3		C - Chinese				1 2 3					
4		D - Cambodian				1 2 3					
5		F - Filipino				1 2 3					
6		G - Guamanian				1 2 3					
7		H - Hispanic				1 2 3					
8		I - Indian				1 2 3					
9		J - Japanese				1 2 3					
10		K - Korean				1 2 3					
11		L - Laotian				1 2 3					
12		O - Other				1 2 3					
13		P - Pacific Islander				1 2 3					
14		S - Samoan				1 2 3					
15		U - Hawaiian				1 2 3					
16		V - Vietnamese				1 2 3					
17		W - White				1 2 3					
18		Z - Asian Indian				1 2 3					
19						1 2 3					
20						1 2 3					

RECEIVED - Local Agency 10/27/97

WHITE - Department of Justice 10/27/97

86 10/27

California Department of Justice / Law Enforcement Information Center P.O. Box 900437 Sacramento, CA 95833-4370

Figure IV-10

MONTHLY HATE CRIME REPORT

Monthly Hate Crime Report	
Agency:	_____
NCIC Number:	_____
Reporting Month:	_____
There were no "Hate Crimes" reported to this department for this month.	
Signature and Title	() _____ Phone

Figure IV-11

INFORMATION REQUIRED FOR DEATH IN CUSTODY REPORTING

INFORMATION REQUIRED FOR DEATH IN CUSTODY REPORTING INMATE INFORMATION			
DOJ USE ONLY		INMATE NAME	
TRAN TYPE <input type="checkbox"/> 1 Delete <input type="checkbox"/> 2 Add <input type="checkbox"/> 3 Change	AGENCY TYPE <input type="checkbox"/> 1 Police <input type="checkbox"/> 2 Sheriff <input type="checkbox"/> 3 Probation <input type="checkbox"/> 4 State <input type="checkbox"/> 5 Other Local <input type="checkbox"/> 6 Federal	AGENCY NCIC NUMBER _____	
		Last	First Middle
		INMATE/CASE NUMBER	DATE OF BIRTH / /
		CII NUMBER	
CUSTODY STATUS <input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 In Transit <input type="checkbox"/> 2 Awaiting Booking <input type="checkbox"/> 3 Booked - No Charges Filed <input type="checkbox"/> 4 Booked - Awaiting Trial <input type="checkbox"/> 5 Sentenced <input type="checkbox"/> 6 Out of Court <input type="checkbox"/> 9 Other		RACE <input type="checkbox"/> A Other Asian <input type="checkbox"/> B Black <input type="checkbox"/> C Chinese <input type="checkbox"/> D Cambodian <input type="checkbox"/> F Filipino <input type="checkbox"/> G Guamanian <input type="checkbox"/> H Hispanic <input type="checkbox"/> I Indian <input type="checkbox"/> J Japanese <input type="checkbox"/> K Korean <input type="checkbox"/> L Laotian <input type="checkbox"/> O Other <input type="checkbox"/> P Pac Islander <input type="checkbox"/> S Samoan <input type="checkbox"/> U Hawaiian <input type="checkbox"/> V Vietnamese <input type="checkbox"/> W White <input type="checkbox"/> Z Asian Indian <input type="checkbox"/> X Unknown	
		SEX <input type="checkbox"/> M Male <input type="checkbox"/> F Female	
BCS USE _____		RECORD KEY _____	
CUSTODY OFFENSE _____		DATE OF DEATH / /	
		DATA SOURCE <input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Coroner's Report <input type="checkbox"/> 2 Death Certificate <input type="checkbox"/> 9 Other	
FACILITY OF INJURY OR ONSET OF ILLNESS <input type="checkbox"/> U Unknown <input type="checkbox"/> 0 None <input type="checkbox"/> 1 County Jail <input type="checkbox"/> 2 Adult Camp or Ranch <input type="checkbox"/> 3 Local Juvenile Facility <input type="checkbox"/> 4 Local Hospital <input type="checkbox"/> 5 CDC/CRC <input type="checkbox"/> 6 CYA <input type="checkbox"/> 7 State Hospital <input type="checkbox"/> 8 City Jail <input type="checkbox"/> 9 Other		LOCATION OF INJURY (IF APPLICABLE) <input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Administrative <input type="checkbox"/> 2 Booking <input type="checkbox"/> 3 Living <input type="checkbox"/> 4 Common <input type="checkbox"/> 5 Holding <input type="checkbox"/> 6 Medical Treatment <input type="checkbox"/> 8 Not Applicable <input type="checkbox"/> 9 Other	
		FACILITY OF DEATH <input type="checkbox"/> U Unknown <input type="checkbox"/> 0 None <input type="checkbox"/> 1 County Jail <input type="checkbox"/> 2 Adult Camp or Ranch <input type="checkbox"/> 3 Local Juvenile Facility <input type="checkbox"/> 4 Local Hospital <input type="checkbox"/> 5 CDC/CRC <input type="checkbox"/> 6 CYA <input type="checkbox"/> 7 State Hospital <input type="checkbox"/> 8 City Jail <input type="checkbox"/> 9 Other	
LOCATION OF DEATH <input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Administrative <input type="checkbox"/> 2 Booking <input type="checkbox"/> 3 Living <input type="checkbox"/> 4 Common <input type="checkbox"/> 5 Holding <input type="checkbox"/> 6 Medical Treatment <input type="checkbox"/> 8 Not Applicable <input type="checkbox"/> 9 Other		CAUSE OF DEATH <input type="checkbox"/> 0 Pending/Unknown <input type="checkbox"/> 1 Natural <input type="checkbox"/> AIDS <input type="checkbox"/> Tuberculosis <input type="checkbox"/> Other Communicable Disease <input type="checkbox"/> 2 Accidental <input type="checkbox"/> 3 Suicide <input type="checkbox"/> 4 Homicide Willful (Custodial Staff) <input type="checkbox"/> 5 Homicide Willful (Other Inmate) <input type="checkbox"/> 6 Homicide Justified (Custodial Staff) <input type="checkbox"/> 7 Homicide Justified (Other Inmate) <input type="checkbox"/> 8 Execution <input type="checkbox"/> 9 Other	
		MEANS OF DEATH <input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Mandated Method <input type="checkbox"/> 2 Firearm <input type="checkbox"/> 3 Club, Blunt Instrument <input type="checkbox"/> 4 Hands, Feet, Fists <input type="checkbox"/> 5 Knife, Cutting Instrument <input type="checkbox"/> 6 Hanging, Strangulation <input type="checkbox"/> 7 Drug Overdose <input type="checkbox"/> 8 Not Applicable <input type="checkbox"/> 9 Other	

Note: If this form is used to provide information to the Department of Justice, a copy of an incident report describing the events surrounding the death must be attached.

SUBMITTED BY Please print the following information:

Name and Title: _____

Agency/Address/Telephone: _____

Mail or FAX completed form to: Department of Justice, Death In Custody Program, P. O. Box 903427, Sacramento, CA 94203-4270. FAX (916) 227-3561.

If you have any questions, contact Marta Forst at (916) 227-4777.

CJSC 713 (Rev. 9/99)

Other Mandatory Reporting

Formerly, one report was submitted monthly to the Department of the Youth Authority: the Monthly Report on the Secure Detention of Minors in Jails/Lockups - YA 10.402 (3-95) (see Figure IV-12, page IV-24). This is no longer accurate. The form is now called the Monthly Report on the Secure Detention of Minors in Buildings that Contain Lockups/Jails - 2000. Effective January 1, 1999, monthly reporting is now sent to the State Board of Corrections (BOC). The Board of Corrections is statutorily mandated (Assembly Bill 904, Chapter 304, Statutes of 1995) to collect this information and supply it to the federal office of Juvenile Justice and Delinquency Prevention. The custodian of each jail and lockup is likewise mandated to supply this information to the BOC (Welfare and Institutions Code Sections 209(a) and 210.2(b)).

This report tracks the number of minors detained in a lockup situation ("secure detention") in the following increments; six hours or less, for more than six hours but less than 24 hours, and for more than 24 hours by the level of the offense (criminal or delinquency). It is to be submitted by the tenth of each month, and an annual summary report is also required. A form must be completed for each month even if no minors were securely detained that month.

This report varies from the others listed above in two ways. First, it is required from agencies which have detained a minor in a jail or locked in a room/enclosure and/or secured to a cuffing rail or other stationary object while in custody in a law enforcement facility, which includes police stations, sheriffs stations, main and branch jails. Secondly, it is submitted directly to the Board of Corrections rather than CJSC.

Monthly Report on the Secure Detention of Minors in Buildings that Contain Lockups/Jails - 2000 forms can be obtained by calling Janine Williams, at 916-323-9704. The Detention of Minors report should be mailed to:

Janine Williams
State Board of Corrections
600 Bercut Dr., Ste. A
Sacramento, CA 95814

Figure IV-12

MONTHLY REPORT ON THE SECURE DETENTION OF MINORS IN PUBLIC BUILDINGS THAT CONTAIN LOCKUPS/JAILS - 2000

CALIFORNIA BOARD OF CORRECTIONS	
MONTHLY REPORT ON THE SECURE DETENTION OF MINORS IN BUILDINGS THAT CONTAIN LOCKUPS/JAILS - 2000	
ALL LAW ENFORCEMENT AGENCIES ARE REQUIRED TO COMPLETE THIS SURVEY	
Sections 209 and 210.1, Welfare and Institutions Code (WIC) mandates the Board of Corrections to conduct surveys of law enforcement agencies on the processing of minors to ensure compliance with Section 207.1 WIC. Instructions and definitions on reverse side.	

SECTION I

Agency Name			Date:	
Facility Name				
Facility Address		City:		State:

SECTION II

PLEASE CHECK THE MONTH THAT IS BEING REPORTED											
January	February	March	April	May	June	July	August	September	October	November	December

MINORS SECURELY DETAINED IN THIS FACILITY DURING THE MONTH	
A.	Check here if no minors were securely detained during the month. (Skip Section III, sign and return form.)
B.	Check here if minors <u>were</u> securely detained during the month, go to Section III.

SECTION III

Number of Minors Securely Detained. Count only new detentions for this month. (Include only those minors that are securely detained, do not include nonsecurely detained minors)

Six hours or less	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
6 - 24 hours	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
More than 24 Hours	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total for any Length of Time	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

*Example: If twelve minors were detained, enter 1 2

Signature of Reporting Person	Title		
Print or Type Name	Telephone No.	Date	
Signature of Department Head	Title		
Print or Type Name	Telephone No.	Date	

Records Keeping and Data Collection

Compilation of the totals for the various elements contained in the UCR reports can be complicated and time consuming. It is important to keep in mind the end results or intended use of information when designing record-keeping systems. Provisions must be made for the timely and accurate extraction of the required statistical data.

To simplify this process, the Department of Justice has designed two different instruments for tallying offenses during the month. One is a tally booklet (form I-714) and the other is a series of tally sheets (forms JUS 843a, 843b, 843c, 843d, 843e) corresponding to the Part I crimes reported. Use of one of these instruments is recommended. Forms can be obtained from DOJ, free of charge.

Depending on the size and structure of the agency, the information can be posted to the tally instrument either as part of the primary report processing or as a separate function altogether.

In any event, the required data is listed for each incident reported on a regular basis. At the end of each month, the individual entries are totaled and the totals transferred to the appropriate report form.

Questions regarding these forms may be directed to DOJ, Debra Callahand, at 916-227-3476.

MANAGEMENT REPORTING

Management reporting is a rather general term that applies to statistical and analytical reports compiled and submitted to management personnel, either on request or routinely as a matter of policy. This type of report is not a statutory requirement and may have many uses within a law enforcement agency.

Collection of information, for the sake of collecting it, is a luxury that most law enforcement agencies cannot afford. Because of tightened budgets and increased costs, it is important to streamline activities as much as possible and get the most from each project. The primary purpose of any management report design should be to provide information that will support management decision making. This could mean analysis of personnel deployment, project effectiveness, equipment cost analysis, crime/activity analysis and comparisons, or any other area that affects the productivity of the department.

Managers and supervisors at all levels within the agency may use a variety of management reports in their daily activities. They are used for evaluating, planning and monitoring projects and activities. When designing or implementing a new management report or evaluating an

existing one, there are several elements to be considered. Each of the following questions should be answered relative to the report:

- Who will use the report?
- Is the overall system designed to extract the necessary information in an efficient manner? If not, can and/or should it be modified?
- How much time will be involved in preparing the report? How often will the report be prepared?
- Will the decisions made using the information in the report be beneficial to the agency?
- Is there another, perhaps existing, way to obtain the same information?
- Do the benefits of compiling the information outweigh the drawbacks of preparing the report?

The evaluation of the answers to these questions is a subjective process. The key is that, regardless of what the answers are, there will be a conscious decision to commit resources to the preparation and use of management reports. They will be intended to serve a specific purpose and will, therefore, have value to the agency. Management reports can be valuable tools for use in evaluating various aspects of agency activities. This type of report summarizes bulk information into a format that represents a gauge of current status when compared to previous activities or projected into future plans. It can be an indicator that things are progressing on a normal course or have detoured in some area and adjustment is in order. The effective management report will prompt some decision either to take corrective action, take no action, or alter a course or plan.

There are several areas that lend themselves naturally to management reporting either because information is visible, readily available as a result of some other requirement or essential to routine activities. These areas might include:

- crime statistic comparisons to monitor increases or decreases in criminal activity;
- officer activity analysis to determine workload, deployment needs and time usage;

- revenue-generating items such as fingerprinting, report sales, licenses, permits and applications; and
- expenditure reports to monitor budget activities.

This does not imply that management reports in these areas should be routinely prepared. Rather, these are areas in which information is available and valid decisions can be made using data compiled in a management report.

The possibilities for management report content are endless. As a result, there is the potential to compile meaningless data at great expense to the agency in time and resources. Care must be taken in the design of these reports to ensure that there is adequate return on the investment of personnel and resources.

Information Sources and Data Collection

Because of the wide variety of reports that may be used, information can be obtained from any number of sources for a management report. Often, there is more than one source for the data.

Some examples of information sources for management reports are:

- officer activity logs;
- citizen-generated calls for service;
- crime statistics reports (current and past);
- finance department expenditure reports and budget records; and
- miscellaneous activity logs (citations, crime reports, accident reports, permits, licenses, cash receipts).

Actually, any information collected is a potential source for management report information. Once the purpose and format of the report have been determined, the most appropriate source for the raw data must be selected. A consideration should be the ability to extract the data in a timely and efficient manner, given the agency structure and existing systems.

Once the source is identified, a method for systematically collecting the data is necessary. This procedure may include a log or posting process, analysis of specific data or statistical compilation, among others. The intent is to provide a tool for decision making, while the process used to provide this tool should not create another problem or bottleneck in the system. Figures IV-13 through IV-16, pages IV-28 through IV-32, are sample management reports.

Figure IV-13

POLICE DEPARTMENT MONTHLY REPORT

MARCH 2000	THIS MONTH	LAST MONTH	THIS YEAR TO DATE	LAST YEAR TO DATE	PERCENT CHANGE
ARRESTS					
ADULT FELONY	45	33	108	92	17.4%
ADULT MISDEMEANOR	261	219	709	734	-3.4%
JUVENILE FELONY	11	29	65	31	109.7%
JUVENILE MISDEMEANOR	18	13	44	85	-48.2%
TOTAL	335	294	926	942	-1.7%
CRIMES REPORTED					
HOMICIDE	0	0	0	0	ERR
RAPE	5	3	10	4	150.0%
ROBBERY	14	5	23	24	-4.2%
ASSAULT	44	39	151	52	190.4%
BURGLARY	65	57	179	171	4.7%
LARCENY	86	78	259	311	-16.7%
STOLEN VEHICLES	15	23	66	46	43.5%
ALL OTHER CRIMES	349	351	1,032	971	6.3%
TOTAL	578	556	1,720	1,579	8.9%
CITATIONS					
MOVING VIOLATIONS	487	402	1,421	1,414	0.5%
NON-MOVING VIOLATIONS	177	221	653	494	32.2%
PARKING VIOLATIONS	209	213	632	612	3.3%
TOTAL	883	836	2,706	2,520	7.4%
TRAFFIC ACCIDENTS					
NON-INJURY ACCIDENTS	58	48	168	133	26.3%
INJURY ACCIDENTS	22	12	53	33	60.6%
FATAL ACCIDENTS	0	2	2	0	ERR
TOTAL	80	62	223	166	34.3%
MISCELLANEOUS					
CALLS FOR SERVICE	3,006	2,799	8,813	5,910	49.1%
PATROL ACTIVITIES	2,088	2,149	6,697	4,622	44.9%
TOTAL	5,094	4,948	15,510	10,532	47.3%

A report similar to this one presents a condensed overview of operational activities on a monthly basis. Increases and decreases are easily recognizable, providing base information for additional analysis and/or action planning.

Figure IV-14

PART I CRIME COMPARISONS 1994-1999

	1994	1995	%CHG	1996	%CHG	1997	%CHG	1998	%CHG	1999	%CHG
HOMICIDE	2	2	0.0%	3	50.0%	4	33.3%	1	-75.0%	4	300.0%
RAPE BY FORCE	8	9	12.5%	11	22.2%	6	-45.5%	6	0.0%	12	100.0%
ATTEMPT RAPE BY FORCE	7	7	0.0%	11	57.1%	5	-54.5%	5	0.0%	4	-20.0%
TOTAL	15	16	6.7%	22	37.5%	11	-50.0%	11	0.0%	16	45.5%
ROBBERY, FIREARM	54	60	11.1%	49	-18.3%	43	-12.2%	36	-16.3%	41	13.9%
ROBBERY, KNIFE	28	19	-32.1%	20	5.3%	15	-25.0%	15	0.0%	14	-6.7%
ROBBERY, OTHER WEAPON	12	14	16.7%	4	71.4%	9	125.0%	11	22.2%	13	18.2%
ROBBERY, STRONG-ARM	37	37	0.0%	37	0.0%	37	0.0%	32	-13.5%	29	-9.4%
TOTAL	131	13	-90.1%	110	746.2%	104	-5.5%	94	-9.6%	97	3.2%
ASSAULT, FIREARM	21	8	-61.9%	21	162.5%	13	-38.1%	25	92.3%	16	-36.0%
ASSAULT, KNIFE	29	21	-27.6%	19	-9.5%	24	26.3%	24	0.0%	28	16.7%
ASSAULT, OTHER WEAPON	73	36	-50.7%	53	47.2%	48	-9.4%	54	12.5%	71	31.5%
ASSAULT, HAND/FEET ETC.	50	30	-40.0%	29	-3.3%	28	-3.4%	9	-67.9%	4	-55.6%
ASSAULT, SIMPLE	100	97	-3.0%	137	41.2%	143	4.4%	180	25.9%	178	-1.1%
TOTAL	273	192	-29.7%	259	34.9%	256	-1.2%	292	14.1%	297	1.7%
BURGLARY, FORCIBLE	430	474	10.2%	511	7.8%	452	-11.5%	462	2.2%	475	2.8%
BURGLARY, UNLAWFUL ENTRY	310	264	-14.8%	310	17.4%	221	-28.7%	138	-37.6%	169	22.5%
BURGLARY, ATTEMPT	50	52	4.0%	51	-1.9%	57	11.8%	68	54.4%	67	-23.9%
TOTAL	790	790	0.0%	872	10.4%	730	-16.3%	688	-5.8%	711	3.3%
LARCENY TOTAL	1267	1199	-5.4%	1421	18.5%	1083	-23.8%	1084	0.1%	1237	14.1%
GTA, AUTO	123	97	-21.1%	90	-7.2%	119	32.2%	124	4.2%	112	-9.7%
GTA, TRUCK/BUS	31	34	9.7%	50	47.1%	30	-40.0%	19	-36.7%	34	78.9%
GTA, OTHER	33	28	-15.2%	18	-35.7%	14	-22.2%	21	50.0%	28	33.3%
TOTAL	187	159	-15.0%	158	-0.6%	163	3.2%	164	0.6%	174	6.1%
GRAND TOTAL	2665	2488	-6.6%	2845	14.3%	2351	-17.4%	2334	-0.7%	2536	8.7%
TOTAL LESS SIMPLE ASSAULT	2565	2391	-6.8%	2708	13.3%	2208	-18.5%	2154	-2.4%	2358	9.5%
CRIME AGAINST PERSONS	421	340	-19.2%	394	15.9%	375	-4.8%	398	6.1%	414	4.0%
CRIMES AGAINST PROPERTY	2244	2148	-4.3%	2451	14.1%	1976	-19.4%	1936	-2.0%	2122	9.6%
ARSON TOTAL	21	17	-19.0%	16	-5.9%	14	-12.5%	24	71.4%	16	-33.3%

If cumulative totals are kept on a monthly basis, this report can be easily generated at the end of each year. Trends are readily apparent and patterns may also surface.

Figure IV-15

MULTI-JURISDICTION LOCATION TRAFFIC ACCIDENT COMPARISON

	1998	1999	PERCENT CHANGE	2000 TO DATE	2000 PROJECTION	PERCENT CHANGE
FATAL ACCIDENTS						
NORTHBOUND	1	0	-100.0%	1	1.2	ERR
SOUTHBOUND	0	2	ERR	0	0.0	-100.0%
ALCOHOL/DRUGS	1	2	100.0%	1	1.2	-40.0%
NO ALCOHOL/DRUGS	0	0	ERR	0	0.0	ERR
INJURY ACCIDENTS						
NORTHBOUND	4	3	-25.0%	5	6.0	100.0%
SOUTHBOUND	20	15	-25.0%	11	13.2	-12.0%
ALCOHOL/DRUGS	6	6	0.0%	6	7.2	20.0%
NO ALCOHOL/DRUGS	18	12	-33.3%	10	12.0	0.0%
NON-INJURY ACCIDENTS						
NORTHBOUND						
SOUTHBOUND	8	11	37.5%	1	1.2	-89.1%
ALCOHOL/DRUGS	10	19	90.0%	5	6.0	-68.4%
NO ALCOHOL/DRUGS	4	3	-25.0%	2	2.4	-20.0%
	14	27	92.9%	4	4.8	-82.2%
TOTAL ACCIDENTS						
NORTHBOUND						
SOUTHBOUND	13	14	7.7%	7	8.4	-40.0%
ALCOHOL/DRUGS	30	36	20.0%	16	19.2	-46.7%
NO ALCOHOL/DRUGS	11	11	0.0%	9	10.8	-1.8%
	32	39	21.9%	14	16.8	-56.9%

	XYZ CITY	OTHER
2000 NORTHBOUND	30%	10%
2000 SOUTHBOUND	70%	90%
2000 DUI FATALS	1	10
2000 TOTAL ACCIDENTS	23	60
2000 DUI	9	23
2000 DUI = % OF TOTAL	39%	38%
2000 TOTAL ACCIDENTS	50	119
2000 DUI	11	40
2000 DUI = % OF TOTAL	22%	34%

This type of report is generally done once a problem is identified. It is more analytical in nature and more specifically defines the details of a given problem. It would be prepared on an as-needed basis.

Figure IV-16 (Page 1)

1999/2000 BUDGET PROJECTION AS OF 3-19-2000

ACCOUNT TITLE	ACCOUNT NUMBER	APPROPRIATION	EXPENDED TO DATE	% OF BUDGET	PROJECTION	PROJECTION +/- BUDGET
SALARIES	1000	2,085,227	1,183,126	56.7%	1,774,689	310,438
OVERTIME	1200	195,000	142,887	73.3%	214,331	(19,331)
P/T - TEMP	1300	120,920	48,924	40.5%	73,386	47,534
TOTAL SALARY		2,401,147	1,374,937	57.3%	2,062,406	338,742
PERS	1960	524,034				
BENEFITS	1962	275,500				
WORKERS COMP	1963	112,579				
TOTAL BENEFITS		912,113				
OFFICE SUPL	2151	12,460	7,129	58.0%	10,694	1,767
MICROFILM SUPL	2157	1,520	0	6.6%	0	1,520
MULTILITH	2158	3,500	932	29.5%	1,398	2,102
PRINTING	2161	8,060	1,976	25.8%	2,964	5,096
JOIC SUPL	2166	1,300	172	20.9%	258	1,042
COPIER SUPL	2170	2,490	377	19.2%	566	1,925
POSTAGE	2172	3,450	231	9.6%	347	3,104
COMPUTER SUPL	2176	5,200	4,869	95.6%	7,304	(2,104)
2100 TOTAL		37,980	15,686	41.6%	23,529	14,451
VEH MAINT	2254	54,270	43,622	80.6%	65,433	(11,163)
CAR WASH	2255	800	132	29.0%	198	602
T/C REPAIR	2260	15,000	2,733	18.9%	4,100	10,901
GASOLINE	2262	76,700	2,051	2.8%	3,077	73,624
2200 TOTAL		146,770	48,538	33.1%	72,807	73,963
RADIO CONTRACT	2316	5,500	0	1.8%	0	5,500
CONSOLE CONTR	2317	3,550	0	2.8%	0	3,550
RADIO REP T/M	2318	4,500	2,340	54.2%	3,510	990
TYPEWRITER CONTR	2352	1,000	261	36.1%	392	609
DICTAPHONE CONTR	2362	1,820	1,599	93.4%	2,399	(579)
SIMPLEX CONTR	2363	600	969	178.2%	1,454	(854)
IMAGE SYS CONTR	2364	1,240	0	8.1%	0	1,240
RADAR MAINT	2365	700	739	119.9%	1,109	(409)
LEASE/MAINT TV	2366	2,400	2,095	91.5%	3,143	(743)
COMPUTER MAINT	2369	15,000	0	0.7%	0	15,000
MICROFILM MAINT	2376	1,360	628	53.5%	942	418
MISC REPAIRS T/M	2377	2,800	2,948	108.9%	4,422	(1,622)
RECORDING EQUIP	2386	750	26	16.8%	39	711
POLICE SYS MAINT	2388	2,600	0	3.8%	0	2,600
2300 TOTAL		43,820	11,605	26.7%	17,408	26,413
2400 TOTAL	SEE 3304	0				
BATTERIES/BULBS	2565	2,440	251	14.4%	377	2,064
CAMERA SUPPLIES	2566	4,150	1,1176	30.7%	1,764	2,386
RANGE SUPPLIES	2571	6,500	2,621	41.9%	3,932	2,569
CRIME PREV SUPL	2572	2,800	883	35.1%	1,325	1,476
SAFETY EQUIP	2573	8,500	9,730	115.6%	14,595	(6,095)
EVIDENCE SUPPLIES	2575	5,120	0	2.0%	0	5,120
JAIL SUPPLIES	2576	4,270	2,051	50.4%	3,077	1,194
CODE BOOKS	2580	800	1,152	165.5%	1,728	(928)
MISC DEPT SUPL	2581	17,120	6,769	40.1%	10,154	6,967
2500 TOTAL		51,700	24,633	47.8%	36,950	14,751

Figure IV-16 (Page 2)

1999/2000 BUDGET PROJECTION AS OF 3-19-2000

ACCOUNT TITLE	ACCOUNT NUMBER	APPROPRIATION	EXPENDED TO DATE	% OF BUDGET	PROJECTION	PROJECTION +/- BUDGET
MISC SERVICE	2607	13,150	560	5.0%	840	12,310
EMP PHYSICALS	2618	10,500	5,158	50.1%	7,737	2,763
POLYGRAPHS	2636	685	100	29.2%	150	535
MEDICAL EXPENSES	2638	13,000	7,786	60.7%	11,679	1,321
CROSSING GUARDS	2639	4,500	3,688	84.2%	5,532	(1,032)
PRISONER MEALS	2640	9,000	5,250	59.4%	7,875	1,125
TRUSTY MEALS	2641	7,600	4,247	57.2%	6,371	1,230
IDENTI-KIT	2642	450	433	118.4%	650	(200)
TRUSTY UNIFORMS	2643	6,090	3,842	64.7%	5,763	327
CROSS DIRECTORY	2644	200	166	133.0%	249	(49)
ADVERTISING	2646	300	27	42.3%	41	260
MICROFILM SERVICE	2654	4,000	17,120	430.5%	25,680	(21,680)
UNIFORM REPLACE	2672	1,000	1,987	208.7%	2,981	(1,981)
PHOTO PROCESSING	2673	2,200	1,792	86.0%	2,688	(488)
UNIFORMS SWORN	2683	20,165	3,792	19.3%	5,688	14,477
UNIFORMS/CIVILIAN	2684	5,750	307	7.1%	461	5,290
BADGES/PATCHES	2685	5,500	469	10.3%	704	4,797
COPIER LEASES	2696	13,900	6,320	46.2%	9,480	4,420
CITATION LEASE	2697	3,000	2,018	70.6%	3,027	(27)
VET EXP k-9	2699	500	0	20.0%	0	500
2600 TOTAL		121,490	65,062	53.6%	97,593	23,897
TOTAL LEGAL SERV	2702	12,000	3,579	30.7%	5,369	6,632
TOTAL FALSE ARR INS	3117	3,000	0	3.3%	0	3,000
CAR ALLOW/RENT	3304	8,400	219	3.8%	329	8,072
MEETINGS	3306	6,855	3,862	57.8%	5,793	1,062
CONFERENCE/SEMINAR	3340	11,060	3,636	33.8%	5,454	5,606
TUITION REIMBURSE	3345	3,000	8,460	285.3%	12,690	(9,690)
POST COURSES	3348	40,000	20,832	52.3%	31,248	8,752
OTHER TRAINING	3349	3,000	1,160	42.0%	1,740	1,260
3300 TOTAL		72,315	38,169	52.9%	57,254	15,062
EQUIPMENT/CAPITAL	4400	191,330	55,227	28.9%	82,840	108,490
TOTAL BUDGET		3,993,665				

This is a sample of a detailed budget status report. Data is compiled from expenditure reports (usually obtained from the finance department). While an effective budget status report need not be this detailed, even a simplified version giving only major group totals and status information provides a factual basis for expenditure decision making.

CRIME ANALYSIS

Definition

"Analysis" is defined as a separation of a whole into its component parts, and an examination of a complex whole, its elements and their relationships.

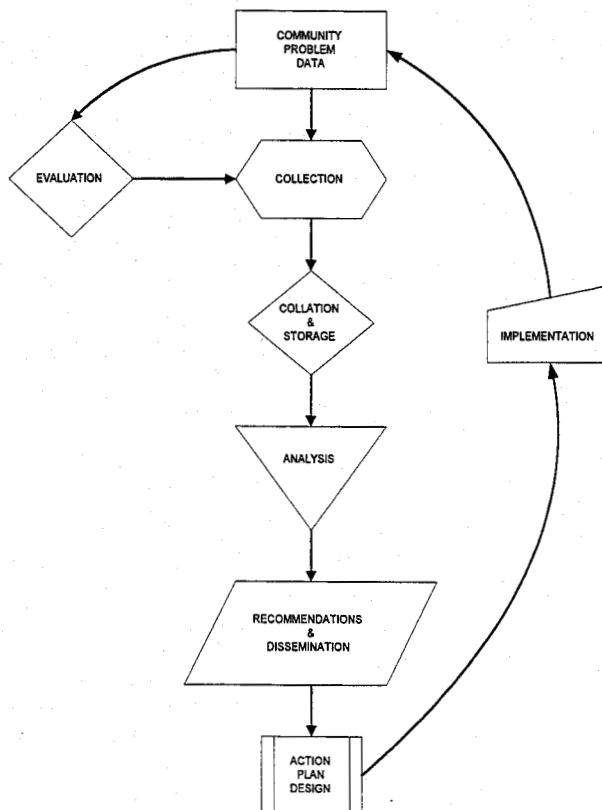
As the term implies, "*crime analysis*" involves the study and analysis of criminal activity. The results of crime analysis are then applied to current events in an effort to prevent or reduce the occurrence of crime. One formal definition of crime analysis is "a set of systematic analytical processes directed towards predicting criminal behavior (in both individual and aggregated situations) for the purpose of reducing crime in a cost-effective manner."

One of the primary objectives of law enforcement is to control the occurrence of crime and provide a measure of protection for the community. Much of law enforcement activity is reactive. That is, police agencies respond to crimes after the fact and emphasis is placed on apprehension of the criminal offender. Crime analysis provides the tools to predict crime and, therefore, prevent crime. A conscientious, systematic crime analysis program can identify trends, patterns, problem areas, connections, and even suggest means to positively impact crime.

There are many reasons why formal crime analysis is desirable. First, it will increase objectivity by supplementing traditional "gut feelings" and experience with specific data that can be systematically analyzed. Figure IV-17 represents the crime analysis process. A formal crime analysis process will also improve coordination

Figure IV-17

THE CRIME ANALYSIS PROCESS



between operational units by providing specific action plans and goals. Since the analytic function is centralized, there is consistency and accountability to the process. Trends and patterns can be more easily identified in less time and the information made available to all concerned personnel. Perhaps the most noticeable advantage to a formalized process is the development of a tangible tool that both gives direction to law enforcement personnel in reducing or preventing crime and provides a vehicle that allows for evaluation of the results.

Basic Applications

Generally, there is a three-fold purpose to crime analysis. One is to provide administrative data, one is to provide operational data and last is to provide tactical data.

Administrative data provides statistical/mandated reports as well as cost/benefit data information as to the effectiveness of operational activities and programs. It also provides an evaluation of the current status which serves as a basis for management decision making. Administrative data generally covers a longer period of time and is broader in scope than operational data.

Operational data provides information to police personnel who plan, control and direct assignments. Tactical data represents information presented to patrol to assist in the identification of crime and for use in the prevention and reduction of crime. It will identify target crimes, potential suspect information, investigative leads, evolving patterns and geographical activity information. It is most effective when the information is very current.

All areas are important. Crime analysis can be used to meet a variety of agency needs. In designing a crime analysis program, the objectives must be defined. This gives direction to the analyst and provides a basis for evaluating the effectiveness of the program.

Some potential applications and/or objectives might include:

- Increasing the number of case clearances by providing investigative leads and correlating modus operandi (MO) and suspect information from multiple reports;
- Providing current operational data for patrol, including target crimes, activity location identification, suspect information and evolving crime patterns;

- Providing supporting data for recommended crime prevention programs, selective enforcement activities, directed patrol and community awareness/involvement programs;
- Yielding substantive data for measuring the effectiveness of specific programs such as traffic enforcement, task force activities and narcotics enforcement;
- Furnishing trend data for planning, targeting, budgeting and resource allocation; and
- Supplying law enforcement data to other government entities for such activities as urban planning, building permits and codes, construction and redevelopment activities.

Generally, the application selected will involve three basic elements: identification of specific problems or targets, collection and correlation of related data from multiple sources for analysis, and action plan formation and evaluation of the results of a program or activity.

Crime Analysis Process

Regardless of the application selected (administrative, operational or tactical), there are six basic elements in an effective crime analysis program:

- collection of information (raw data);
- collation of selected data;
- storage of data;
- recommendations (suggested action plan) and dissemination of information;
- implementation of an action plan; and
- evaluation of the results.

Looking at each element, it is apparent that most units within an agency are involved at some point in the crime analysis process. The Records Unit normally supplies or facilitates the collection of the raw data. Crime Analysis and Communications Unit records may also be involved. A "crime analyst" is usually one who is familiar with law enforcement policy, procedures and goals, and is trained in data analysis. This individual organizes the raw data and carefully studies the results. Based on data analysis, recommended action plans are

formulated, documented and disseminated to appropriate personnel. Management and operations personnel then implement and monitor the progress of these action plans. The final element is the evaluation of the results of the action(s) taken. Ideally, the evaluation of results should involve everyone who contributed to the process.

Collection of Data

Prior to the Records Unit's initial collection of raw data, a decision must be made as to what information is to be collected for analysis. To facilitate this process, a specific problem or "target" must be identified. This identification may evolve from various statistical information routinely compiled, reports filed, officer observations, citizen advisement or any number of other sources. It is important to continually search for new sources and to not limit existing sources. Defining the target is a critical first step.

Once the target and goal are defined, the raw data necessary to attack the problem can be assembled. Asking questions concerning the crimes will provide information useful in determining what data is necessary for analysis. Some questions might be:

- Where are the crimes occurring?
- What are the types of crime that are occurring?
- What day of the week and time of day are crimes occurring?
- Are there any similarities in: MO, property loss, victim/suspect vehicle information, etc.?
- Is suspect/vehicle information available (even partial)?
- Is there any pattern to the crimes?
- Is there any physical evidence?

There may be many other elements to consider. Depending on the target, the data elements could vary considerably. The key is to define the specific data elements to be analyzed. In other words, what is needed to specifically define this problem. In most cases, the initial information will be contained in a variety of documents routinely maintained.

Records personnel are normally involved in this element of the crime analysis process. They serve as the initial collection point for the bulk of the raw data. Therefore, the methods used by records personnel to

process information are critical to the accuracy and completeness of the end result.

In designing a records system, crime analysis requirements should also be considered. Three key areas are:

- initial capture of the required information (report forms, documentation and distribution procedures);
- ease in retrieval of information (M.O. factors, suspect information, occurrence dates/times, locations); and
- quality control – a systematic verification procedure that ensures accurate, complete, timely and up-to-date data.

These key areas are important factors in the design of a records keeping system. Crime analysis concerns are not, by far, the only considerations in the design of a system. Rather, the information requirements for this process are another aspect of information management and must be carefully designed and integrated into the system. Each of the three key areas should be applied equally to any source of information that is used by an agency.

The following are examples of possible sources for crime analysis information:

WITHIN THE LAW ENFORCEMENT AGENCY

- Crime Reports
- Arrest Reports
- Field Interview Cards
- Communications Reports
- Intelligence Information
- Parolee, Probation, Registrant and Gang files
- Administrative Data

OUTSIDE THE LAW ENFORCEMENT AGENCY

- Other Law Enforcement Agencies
- Other Criminal Justice Agencies
- Social Data
- Economic Data
- Census Data
- Planning Data

Collation and Storage

Once the initial data collection is complete, the analyst must collate and store the information. The Records Unit may or may not be involved in this step.

The collation and storage elements of the crime analysis process are the preliminary steps in the actual analysis of a "target" problem or crime. At this point, an apparently unrelated, fragmented base of information (raw data) has been collected. This step organizes the raw data into classifications and categories that lend themselves to comparison of seemingly unrelated incidents.

For example, MO data will be sorted and cross referenced so that individual burglary reports can be selected for further study based on the use of a window pry entry. Other factors of the reports can then be compared to determine if any patterns or similarities in the crimes are present. This analysis could indicate that one suspect is involved in all residential burglaries during the past month where a window pry entry was used and that they occurred in a five-block radius between 0800 and 1200 on weekdays. This information certainly is useful in deploying line personnel and increases the potential to reduce the burglary rate.

This is only a partial list of sources of potentially useful raw data for crime analysis. The basic list should be expanded upon as needed.

There are several elements which must be considered when determining the methods of collation and storage of raw data for crime analysis. The data elements found to be most used in analysis are depicted below.

Universal Factors for Crime Analysis

Crime Type Classification

- Burglary Class: business-commercial, residential, vehicle, other
- Robbery Class: armed vs. unarmed
- Robbery Type: bank, commercial, home invasion, other
- Auto Theft: automobile, commercial vehicle, motorcycle, etc.
- General Larceny: theft from auto, auto accessories, scrap metal, etc.
- Sex Crimes: forcible rape, child molesting, exposure, etc.
- Aggravated assault and murder

Geographical

- Location offense occurred
- Street address of intersection
- Block
- Sub-reporting area (RD) or census tract
- Zone, precinct, district or beat
- Grid coordinates

Chronological

- Specific time offense occurred
- Time span in which offense occurred (day/night)
- Day of the week
- Week of the year
- Month of the year

Victim Target (Descriptive)

- Victim/person (age, sex, etc.)
- Victim/structure (single family, apartment, tract, high-rise, etc.)
- Victim/premise type (commercial, industrial, public, etc.)
- Victim/premise purpose (sales, service, manufacturing, etc.)
- Victim knowledge of suspect

Suspect (Descriptive)

- Name (includes aliases and monikers)
- Age
- Race
- Sex
- Height
- Weight
- Clothing and unusual characteristics (includes scars, marks, tattoos)

Suspect Vehicle (Descriptive)

- Specific license number
- Make of vehicle
- Model, style and year of vehicle
- Color of vehicle
- Damage to vehicle

Property Loss (Descriptive)

- Serial number
- Make (brand name)
- Model
- Type
- Purpose/use

A forced-choice crime report form is useful in capturing this information. "Forced choice" refers to a check-box type of form where the reporting officer **MUST** make a selection in each area describing or identifying the specifics of a particular element. Many agencies use these forms and samples can be obtained and modified to a particular need. Figure IV-18, pages IV-40 and IV-41, is a sample forced-choice crime report form.

Figure IV-18

FORCED-CHOICE CRIME REPORT FORM

CRIME REPORT

PAGE ____ OF ____					1 GRID		2 BEAT		3 CASE NUMBER						
4 CODE SECTION/DESCRIPTION					5 CLASSIFICATION <input type="checkbox"/> Mad <input type="checkbox"/> Person <input type="checkbox"/> Fel <input type="checkbox"/> Property		6 OCCURRED MONTH/DAY/YEAR			7 DAY					
8 LOCATION OF OFFENSE					CITY		STATE		ZIP						
9 OCCURRED MONTH/DAY/YEAR					TIME		10 DAY								
CODE: V - VICTIM W - WITNESS R - REPORTING PARTY P - PARENT (S - SUSPECT - ON BACK OF REPORT ONLY)															
11 VICTIM		12 NAME (Last, First, Middle Gen)/FIRM NAME			AKA		13 RACE		14 SEX						
							15 HT		16 WT						
							17 HAIR		18 DOB						
							19 AGE								
20 RESIDENCE ADDRESS					CITY		STATE		ZIP						
21 How Long							22 RESIDENCE PHONE								
23 BUSINESS NAME					ADDRESS		CITY		STATE						
24 BUSINESS PHONE															
25 OCCUPATION		26 SOCIAL SECURITY NO			27 INTERPRETER REQ/LANGUAGE <input type="checkbox"/> YES <input type="checkbox"/> NO		28 RELATIONSHIP TO VICTIM No SUSPECT No		29 DRIVER'S LIC NO/STATE						
30 VICTIM'S ACTIVITY AT TIME OF OFFENSE							31 PHYSICAL CONDITION OF VICTIM								
32 VICTIM'S VEH LIC NO/STATE		33 VEHICLE YEAR		MAKE		MODEL		BODY STYLE		34 TOP COLOR					
										35 BOTTOM CLR					
36 VIN NUMBER		37 OTHER CHARACTERISTICS (i.e., T/C Damage, Unique Marks or Paint, Etc.)													
38 CODE		39 NAME (Last, First, Middle, Gen)/FIRM NAME			AKA		40 RACE		41 SEX		42 HT				
							43 WT		44 HAIR		45 DOB				
							46 AGE								
47 RESIDENCE ADDRESS					CITY		STATE		ZIP		48 How Long				
49 RESIDENCE PHONE															
50 BUSINESS NAME					ADDRESS		CITY		STATE		ZIP				
51 BUSINESS PHONE															
52 OCCUPATION		53 SOCIAL SECURITY NO			54 INTERPRETER REQ/LANGUAGE <input type="checkbox"/> YES <input type="checkbox"/> NO		55 RELATIONSHIP TO VICTIM No SUSPECT No		56 DRIVER'S LIC NO/STATE						
57 PLACE OF ATTACK:		<input type="checkbox"/> 1. Structure <input type="checkbox"/> 2. Vehicle <input type="checkbox"/> 3. School		<input type="checkbox"/> 4. Street/Alley <input type="checkbox"/> 5. Lot/Park/Yard <input type="checkbox"/> 6. Construction Site		<input type="checkbox"/> 99. OTHER		58 DESCRIPTION OF SURROUNDINGS:		<input type="checkbox"/> 1. Residential <input type="checkbox"/> 2. Business <input type="checkbox"/> 3. Industrial		<input type="checkbox"/> 4. Recreational <input type="checkbox"/> 5. Institutional <input type="checkbox"/> 6. Open Space			
59 DOLLAR LOSS TO TARGET		60 OCCUPANCY <input type="checkbox"/> OCCUPIED <input type="checkbox"/> UNOCCUPIED <input type="checkbox"/> ABANDONED/VACANT				61 SPECIFIC TARGET OF ARSON									
STRUCTURE 1		STRUCTURE 2		66 POINT OF ENTRY		70 METHOD OF ENTRY		71 SUSPECT ACTIONS							
62 NON-RESIDENTIAL		64 RESIDENTIAL		68 TARGETS		67 POINT OF EXIT		69 TYPE OF ALARM							
<input type="checkbox"/> 1. Convenience <input type="checkbox"/> 2. Drug/Medical <input type="checkbox"/> 3. Entertainment/Rec <input type="checkbox"/> 4. Fast Food <input type="checkbox"/> 5. Financial Inst <input type="checkbox"/> 6. Gas Station <input type="checkbox"/> 7. Industrial <input type="checkbox"/> 8. RV <input type="checkbox"/> 9. Restaurant/Bar <input type="checkbox"/> 10. Retail Comm <input type="checkbox"/> 11. Retail Service <input type="checkbox"/> 12. School <input type="checkbox"/> 13. Church <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 1. Sgl Family Res <input type="checkbox"/> 2. Apt/Condo <input type="checkbox"/> 3. Duplex <input type="checkbox"/> 4. Hotel/Motel <input type="checkbox"/> 5. Mobile Home <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 1. Attic <input type="checkbox"/> 2. Basement <input type="checkbox"/> 3. Bathroom <input type="checkbox"/> 4. Bedroom <input type="checkbox"/> 5. Dining Room <input type="checkbox"/> 6. Family Room <input type="checkbox"/> 7. Garage/Carport <input type="checkbox"/> 8. Kitchen <input type="checkbox"/> 9. Living Room <input type="checkbox"/> 10. Storage Area <input type="checkbox"/> 11. Wash Room <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. Ground Level <input type="checkbox"/> 5. Upper Level <input type="checkbox"/> 6. Door <input type="checkbox"/> 7. Window <input type="checkbox"/> 8. Sliding Door <input type="checkbox"/> 9. Duct or Vent <input type="checkbox"/> 10. Adj Building <input type="checkbox"/> 11. Roof <input type="checkbox"/> 12. Floor <input type="checkbox"/> 13. Wall <input type="checkbox"/> 14. Garage <input type="checkbox"/> 15. Basement <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Attempt Only <input type="checkbox"/> 2. Bodily Force <input type="checkbox"/> 3. Bolt Cutter <input type="checkbox"/> 4. Brick/Rock <input type="checkbox"/> 5. Channel Lock <input type="checkbox"/> 6. Doggie Door <input type="checkbox"/> 7. Hid in Building <input type="checkbox"/> 8. Key or Slip Lock <input type="checkbox"/> 9. No Force <input type="checkbox"/> 10. Pipe Wrench <input type="checkbox"/> 11. Pliers <input type="checkbox"/> 12. Pry Bar <input type="checkbox"/> 13. Punch <input type="checkbox"/> 14. Saw/Burn/Drill <input type="checkbox"/> 15. Screwdriver <input type="checkbox"/> 16. Tape/Wire <input type="checkbox"/> 17. Tire Iron <input type="checkbox"/> 18. Window Smashed <input type="checkbox"/> 19. Windowing <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Multiple Suspects <input type="checkbox"/> 2. Battered <input type="checkbox"/> 3. Rescued <input type="checkbox"/> 4. Smoked on Premises <input type="checkbox"/> 5. Ate/Drank on Premises <input type="checkbox"/> 6. Defecated <input type="checkbox"/> 7. Matches for Light <input type="checkbox"/> 8. Alarm Disabled <input type="checkbox"/> 9. Knew Location of Cash <input type="checkbox"/> 10. Selective in Loot <input type="checkbox"/> 11. Took Only Stereo/TV <input type="checkbox"/> 12. Took Only Money <input type="checkbox"/> 13. Took Only Concealables <input type="checkbox"/> 14. Used Victim's Tools <input type="checkbox"/> 15. Vehicle Needed <input type="checkbox"/> 16. Unoccupied Building <input type="checkbox"/> 17. Occupied Building <input type="checkbox"/> 18. Prepared Exit <input type="checkbox"/> 19. Inflicted Injury <input type="checkbox"/> 20. Forced Victim to Move <input type="checkbox"/> 21. Used Lookout Driver <input type="checkbox"/> 22. Threatened Retaliation		<input type="checkbox"/> 23. Took Victim's Vehicle <input type="checkbox"/> 24. Disabled Telephone <input type="checkbox"/> 25. Suspect Armed <input type="checkbox"/> 26. Shut Off Power <input type="checkbox"/> 27. Bound/Gagged Victim <input type="checkbox"/> 28. Used Demand Note <input type="checkbox"/> 29. Put Property in Bag <input type="checkbox"/> 30. Ripped/Cut Clothing <input type="checkbox"/> 31. Used Victim's Name <input type="checkbox"/> 32. Molested Victim <input type="checkbox"/> 33. Unusual Odor <input type="checkbox"/> 34. Masturbated <input type="checkbox"/> 35. Struck Victim <input type="checkbox"/> 36. Partially Disrobed <input type="checkbox"/> 37. Fully Disrobed <input type="checkbox"/> 38. Blindfolded Victim <input type="checkbox"/> 39. Made Threats <input type="checkbox"/> 40. HBD <input type="checkbox"/> 41. UID <input type="checkbox"/> 42. Demanded Money <input type="checkbox"/> 43. Fired Weapon <input type="checkbox"/> 99. OTHER			
63 TARGETS		65 TARGETS		68 TARGETS		67 POINT OF EXIT		69 TYPE OF ALARM							
<input type="checkbox"/> 1. Cash Register/Drawer <input type="checkbox"/> 2. Customer <input type="checkbox"/> 3. Display Items <input type="checkbox"/> 4. Owner/Employee <input type="checkbox"/> 5. Safe/Box <input type="checkbox"/> 6. Vending Machine <input type="checkbox"/> 7. Vehicle <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 1. Attic <input type="checkbox"/> 2. Basement <input type="checkbox"/> 3. Bathroom <input type="checkbox"/> 4. Bedroom <input type="checkbox"/> 5. Dining Room <input type="checkbox"/> 6. Family Room <input type="checkbox"/> 7. Garage/Carport <input type="checkbox"/> 8. Kitchen <input type="checkbox"/> 9. Living Room <input type="checkbox"/> 10. Storage Area <input type="checkbox"/> 11. Wash Room <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. Ground Level <input type="checkbox"/> 5. Upper Level <input type="checkbox"/> 6. Door <input type="checkbox"/> 7. Window <input type="checkbox"/> 8. Sliding Door <input type="checkbox"/> 9. Duct or Vent <input type="checkbox"/> 10. Adj Building <input type="checkbox"/> 11. Roof <input type="checkbox"/> 12. Floor <input type="checkbox"/> 13. Wall <input type="checkbox"/> 14. Garage <input type="checkbox"/> 15. Basement <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. Ground Level <input type="checkbox"/> 5. Upper Level <input type="checkbox"/> 6. Door <input type="checkbox"/> 7. Window <input type="checkbox"/> 8. Sliding Door <input type="checkbox"/> 9. Duct or Vent <input type="checkbox"/> 10. Adj Building <input type="checkbox"/> 11. Roof <input type="checkbox"/> 12. Floor <input type="checkbox"/> 13. Wall <input type="checkbox"/> 14. Garage <input type="checkbox"/> 15. Basement <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. Ground Level <input type="checkbox"/> 5. Upper Level <input type="checkbox"/> 6. Door <input type="checkbox"/> 7. Window <input type="checkbox"/> 8. Sliding Door <input type="checkbox"/> 9. Duct or Vent <input type="checkbox"/> 10. Adj Building <input type="checkbox"/> 11. Roof <input type="checkbox"/> 12. Floor <input type="checkbox"/> 13. Wall <input type="checkbox"/> 14. Garage <input type="checkbox"/> 15. Basement <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. Ground Level <input type="checkbox"/> 5. Upper Level <input type="checkbox"/> 6. Door <input type="checkbox"/> 7. Window <input type="checkbox"/> 8. Sliding Door <input type="checkbox"/> 9. Duct or Vent <input type="checkbox"/> 10. Adj Building <input type="checkbox"/> 11. Roof <input type="checkbox"/> 12. Floor <input type="checkbox"/> 13. Wall <input type="checkbox"/> 14. Garage <input type="checkbox"/> 15. Basement <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. Ground Level <input type="checkbox"/> 5. Upper Level <input type="checkbox"/> 6. Door <input type="checkbox"/> 7. Window <input type="checkbox"/> 8. Sliding Door <input type="checkbox"/> 9. Duct or Vent <input type="checkbox"/> 10. Adj Building <input type="checkbox"/> 11. Roof <input type="checkbox"/> 12. Floor <input type="checkbox"/> 13. Wall <input type="checkbox"/> 14. Garage <input type="checkbox"/> 15. Basement <input type="checkbox"/> 99. OTHER		<input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. Ground Level <input type="checkbox"/> 5. Upper Level <input type="checkbox"/> 6. Door <input type="checkbox"/> 7. Window <input type="checkbox"/> 8. Sliding Door <input type="checkbox"/> 9. Duct or Vent <input type="checkbox"/> 10. Adj Building <input type="checkbox"/> 11. Roof <input type="checkbox"/> 12. Floor <input type="checkbox"/> 13. Wall <input type="checkbox"/> 14. Garage <input type="checkbox"/> 15. Basement <input type="checkbox"/> 99. OTHER	
73 SOLVABILITY FACTORS		Y - YES N - NO		Y - YES N - NO		Y - YES N - NO		74 INVOLVED JUVENILE: CODE							
<input type="checkbox"/> 1. Suspect Arrested <input type="checkbox"/> 2. Suspect Named <input type="checkbox"/> 3. Suspect Can Be Located <input type="checkbox"/> 4. Suspect Can Be Identified		<input type="checkbox"/> 5. Witness to Crime <input type="checkbox"/> 6. Suspect Described <input type="checkbox"/> 7. Suspect Vehicle Described <input type="checkbox"/> 8. Crime Scene Processed		<input type="checkbox"/> 9. Stolen Property Traceable <input type="checkbox"/> 10. Significant Trademark Present <input type="checkbox"/> 11. Significant Physical Evidence <input type="checkbox"/> 12. Further Investigation		<input type="checkbox"/> 13. Further Investigation		<input type="checkbox"/> 14. Further Investigation		<input type="checkbox"/> 15. Further Investigation		<input type="checkbox"/> 16. Further Investigation			
75 COPIES TO:		<input type="checkbox"/> CAL <input type="checkbox"/> NARC <input type="checkbox"/> PROB <input type="checkbox"/> JUV <input type="checkbox"/> CIT <input type="checkbox"/> OFFICER <input type="checkbox"/> WATCH COMMANDER <input type="checkbox"/> OTHER													
76 DATE/TIME REPORTED		77 DATE/TIME OF REPORT		78 REPORTING OFFICER/ID NO/DIV/UNIT		79 APPROVED BY/ID NO									

PD-29 (REV 8/88)

Figure IV-18 (Continued)

FORCED-CHOICE CRIME REPORT FORM

CRIME REPORT

PAGE _____ OF _____															80 CASE NUMBER																								
81 SUSP 82 NAME (Last, First, Middle, Gen)					AKA					83 RACE		84 SEX		85 HT		86 WT		87 BUILD		88 HAIR		89 EYES		90 DOB		91 AGE													
92 RESIDENCE ADDRESS										CITY		STATE		ZIP		93 HOW LONG				94 RESIDENCE PHONE				95 DRIVER'S LIC NO/STATE															
96 BUSINESS NAME										ADDRESS		CITY		STATE		ZIP		97 BUSINESS PHONE																					
98 OCCUPATION					99 SOCIAL SECURITY NO					UNDOCUMENTED PERSON <input type="checkbox"/> YES <input type="checkbox"/> NO					101 INTERPRETER REQ/LANGUAGE <input type="checkbox"/> YES <input type="checkbox"/> NO					102 RELATIONSHIP TO VICTIM No SUSPECT No																			
103 SUSP					104 NAME (Last, First, Middle, Gen)					AKA					105 RACE		106 SEX		107 HT		108 WT		109 BUILD		110 HAIR		111 EYES		112 DOB		113 AGE								
114 RESIDENCE ADDRESS										CITY		STATE		ZIP		115 HOW LONG				116 RESIDENCE PHONE				117 DRIVER'S LIC NO/STATE															
118 BUSINESS NAME										ADDRESS		CITY		STATE		ZIP		119 BUSINESS PHONE																					
120 OCCUPATION					121 SOCIAL SECURITY NO					UNDOCUMENTED PERSON <input type="checkbox"/> YES <input type="checkbox"/> NO					123 INTERPRETER REQ/LANGUAGE <input type="checkbox"/> YES <input type="checkbox"/> NO					124 RELATIONSHIP TO VICTIM No SUSPECT No																			
125 SUSP					126 VEH LIC NO/STATE					127 VEH YEAR					MAKE					MODEL					BODY STYLE					128 TOP COLOR					129 BOTTOM COLOR				
130 VIN NUMBER										131 UNIQUE CHARACTERISTICS (i.e., Paint or Body Markings)										132 HOLD					133 TOWED TO														
134 EVIDENCE OBTAINED: <input type="checkbox"/> 1. Fingerprints <input type="checkbox"/> 3. Weapon/Tool <input type="checkbox"/> 5. Photos <input type="checkbox"/> 7. Stains <input type="checkbox"/> 9. Semen <input type="checkbox"/> 2. Other Prints <input type="checkbox"/> 4. Vehicle <input type="checkbox"/> 6. Hair <input type="checkbox"/> 8. Blood <input type="checkbox"/> 99. OTHER																																							
135 HAIR LENGTH 1 2 SUSPECT 0. Unknown 1. Bald 2. Collar 3. Long 4. Receding 5. Shoulder 6. Short 99. OTHER					137 HAIR STYLE 1 2 SUSPECT 0. Unknown 1. Afro/Natural 2. Braided 3. Bushy 4. Crew Cut 5. Greasy 6. Military 7. Pony Tail 8. Processed 9. Straight 10. Wavy/Curly 11. Wig 99. OTHER					138 FACIAL HAIR 1 2 SUSPECT 0. Unknown 1. Clean 2. Full Beard 3. Full Beard 4. Fuzz 5. Goatee 6. Lower Lip 7. Mustache 8. Side Burne 9. Unshaven 99. OTHER					139 COMPLEXION 1 2 SUSPECT 0. Unknown 1. Acne 2. Dark 3. Freckles 4. Light 5. Medium 6. Pale 7. Pocked 8. Ruddy 9. Tanned 99. OTHER					140 GENERAL APPEARANCE 1 2 SUSPECT 0. Unknown 1. Conservative 2. Dirty 3. Disguised 4. Flashy 5. Good Looking 6. Military 7. Unkempt 8. Unusual Odor 9. Well Groomed 99. OTHER					142 TATTOOS/SCARS & TYPE 1 2 SUSPECT 0. Unknown 1. Abdomen 2. Arm 3. Foot 4. Hand 5. Head/Face 6. Leg 7. Shoulder 99. OTHER														
136 HAIR TEXTURE 1 2 SUSPECT 0. Unknown 1. Coarse 2. Fine 3. Shaved 4. Thick 5. Thinning 6. Wiry 99. OTHER					143 DEemeanor 1 2 SUSPECT 0. Unknown 1. Angry 2. Apologetic 3. Calm 4. Disorganized 5. Irritable 6. Nervous 7. Polite 8. Professional 9. Stupor 10. Violent 99. OTHER					144 SPEECH 1 2 SUSPECT 0. Unknown 1. Accent 2. Lipped 3. Mumbled 4. Offensive 5. Quiet 6. Rapid 7. Slow 8. Slurred 9. Stuttered 10. Talkative 99. OTHER					145 VOICE 1 2 SUSPECT 0. Unknown 1. Disguised 2. High Pitch 3. Loud 4. Low Pitch 5. Medium 6. Monotone 7. Nasal 8. Pleasant 9. Raspy 10. Soft 99. OTHER					146 FACE 1 2 SUSPECT 0. Unknown 1. Broed 2. High Cheek 3. Long 4. Oval 5. Round 6. Square 7. Thin 99. OTHER					147 GLASSES 1 2 SUSPECT 0. Unknown 1. None 2. Contacts 3. Mirrored 4. Plastic Frame 5. Prescription 6. Tinted Glass 7. Wire Frame 99. OTHER					148 FRAME COLOR(S) _____					149 WEAPON DESCRIPTION 1 2 SUSPECT 0. Unknown 1. Revolver 2. Automatic 3. Blue Steel 4. Chrome/Nickel 5. Double Barrel 6. Long Barrel 7. Short Barrel 8. Western Style 9. Large Bore 10. Small Bore 11. Bolt Action 12. Pump 13. Sawed Off 99. OTHER				
150 SUSPECT - 1 CLOTHING/DESCRIPTION <input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Cap/Hat <input type="checkbox"/> 2. Wig <input type="checkbox"/> 3. Ski Mask <input type="checkbox"/> 4. Stocking Mask <input type="checkbox"/> 5. Coat/Jacket <input type="checkbox"/> 6. Shirt/Blouse <input type="checkbox"/> 7. Pants/Skirt <input type="checkbox"/> 8. Shorts <input type="checkbox"/> 9. Dress <input type="checkbox"/> 10. Shoes <input type="checkbox"/> 11. Gloves <input type="checkbox"/> 99. OTHER															151 SUSPECT - 2 CLOTHING/DESCRIPTION <input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Cap/Hat <input type="checkbox"/> 2. Wig <input type="checkbox"/> 3. Ski Mask <input type="checkbox"/> 4. Stocking Mask <input type="checkbox"/> 5. Coat/Jacket <input type="checkbox"/> 6. Shirt/Blouse <input type="checkbox"/> 7. Pants/Skirt <input type="checkbox"/> 8. Shorts <input type="checkbox"/> 9. Dress <input type="checkbox"/> 10. Shoes <input type="checkbox"/> 11. Gloves <input type="checkbox"/> 99. OTHER															152 WEAPON TYPE 1 2 SUSPECT <input type="checkbox"/> 0. Unknown <input type="checkbox"/> 1. Brick/Rock <input type="checkbox"/> 2. Butcher Knife <input type="checkbox"/> 3. Club <input type="checkbox"/> 4. Hand Gun <input type="checkbox"/> 5. Hands/Feet <input type="checkbox"/> 6. Pocket Knife <input type="checkbox"/> 7. Rifle <input type="checkbox"/> 8. Simulated <input type="checkbox"/> 9. Shotgun <input type="checkbox"/> 10. Toy Gun <input type="checkbox"/> 99. OTHER									

Three basic files associated with crime analysis activities are:

- Offenses - The offense file is generated from information in various crime reports. This file is used primarily for MO analysis and case correlations.
- Suspects/Vehicles - The suspects/vehicles file is used to identify possible suspects based on MO information contained in the offense file.
- Field interrogation card (FIs) - FI cards contain information about people in given locations at specified times. MO information may or may not be available, depending on the agency collecting the data, but this file is also useful for identification.

Depending on the structure of the analysis unit, other files may be necessary or desirable. Care should be taken not to duplicate file information kept elsewhere within the agency when setting up additional files for crime analysis.

Methods of storage and retrieval of information are dependent upon available resources. Manual systems can be designed and be reasonably effective. The sophistication of the analysis may be restricted by limits on time, money and equipment.

Automation provides the most rapid and efficient means of capturing, storing, sorting and retrieving information for crime analysis.

Analysis Once data is collected, collated and stored, the actual analysis takes place. Information gathered is analyzed from two broad perspectives: MO pattern detection and correlation, and operations analysis.

MO pattern detection and correlation refers generally to using mapping techniques or searching the various files in order to determine if similar offenses or a crime series is occurring, and correlating cases once an arrest is made. The four basic categories of MO analysis are:

- geographic pattern detection (spot maps),
- specific MO patterns (common unique characteristics),
- suspect information (match crime with people files), and
- case correlation (match arrestee or Parollee/Registrant to other cases based on MO).

The actual analysis of the data involves the intuition of the analyst, factual comparisons, extensive research and the use of mathematical and statistical functions. The analytical process will not be the same in every situation. As the dictionary definition states, analysis is the examination of a complex whole, its elements and their relationships.

The analysis of criminal activity focuses on the *relationships* between seemingly unrelated events so that proactive enforcement can be planned.

There are a number of reference manuals available to guide crime analysis activities. The purpose of this manual is to familiarize records personnel with the elements and concept of crime analysis. For further study, reference material directly related to crime analysis should be consulted.

Recommendations and Dissemination

This element is the crucial step that initiates response to the conclusions of the analysis. Once the raw data is analyzed and summarized and the specific relationships are recorded, recommendations are made. These are usually in the form of suggested strategies to impact the "target" that has been identified and specifically defined by analysis.

At this point in the crime analysis, three factors are present: a factually identified "target," analysis and correlation of the initial data, and a suggested strategy. The next phase requires dissemination of the summarized data to all personnel who may commit resources to implementation of the plan.

MO information, maps and photographs are included in the memoranda disseminated to various members of the agency. Graphs and charts indicating changes in status or relationships may also be helpful. Crime analysis memoranda generally fall into five categories:

1. Patrol – used for directing patrol operations.
2. Investigative – used to clear cases, interview witnesses, investigate suspects and provide investigative leads.
3. Task Force – used by strike forces to plan directed operations against specified crime problems.
4. Crime Prevention – used to educate potential victims.

5. Evaluation – used by supervisors and managers to evaluate the effectiveness of a given action plan.

The important things to remember in the dissemination of crime analysis information are that it should include all relevant data and be distributed in a timely manner.

The formats and channels used to distribute the completed analysis can vary widely. Those employees who will ultimately use the information to design an action plan should be included in the design process to ensure that the final product is useful.

Action Plan Design

This step is completed after the information is disseminated. Depending upon the nature of the target, either patrol, detectives, task force or crime prevention may be involved. The action plan may involve a combination of these units. This is where decisions are made on how to implement the suggested strategies. These will be decisions concerning personnel and equipment deployment, accountability and responsibility, and time frames. Once these decisions have been made, the plan is implemented by appropriate personnel.

Evaluation

This is the final step in the crime analysis process. It involves an element similar to the analysis phase. Basically the same steps used to initially analyze data are repeated, noting any changes that may have occurred.

It is important that the results of the evaluation process be disseminated to all concerned personnel. These changes (or lack thereof) will serve as the basis for evaluation of the effectiveness of the chosen action plan.

The purpose of this manual is not to provide a complete course in crime analysis. The intention is to familiarize the reader with the various concepts and requirements of crime analysis for consideration in records systems design. Should serious consideration be given to the implementation of an active crime analysis unit, further research is necessary to fully understand the mathematical and statistical applications. The California Department of Justice offers a POST-certified course titled "Introduction to Criminal Analysis" which will provide a solid foundation for implementation of the program. A manual/workbook of the same title is provided with the course and is available from DOJ in limited quantities.

Automation and Crime Analysis

This Records Management Manual specifically addresses non-automated records keeping systems. However, it is appropriate to address automation as it applies to crime analysis. The general trend is toward automation and a majority of agencies use some form of automation. Due to the high rate of computer usage, improvements in technology occur frequently and consumer demands have drastically reduced the start-up costs for an automated system. Some systems, particularly personal computers, are usually within the budgetary limitations of most agencies.

Some agencies, however, rely on the manual method to collect data. It is important to understand the concepts and design of a good manual crime analysis system before attempting to automate, either fully or partially. A good automated system will capture the elements of an effective manual system, dramatically improving the speed, accuracy and efficiency of the process.

Summary

Statistics, in general, play an important role in law enforcement activities. Used wisely, these applications provide tools for decision making, action planning and evaluating police functions.

Insert Tab #7

Records Retention/Destruction

V. RECORDS RETENTION/DESTRUCTION

INTRODUCTION

This section discusses the retention and destruction of law enforcement records. California state law requires the collection and processing of certain records. The collection and retention of other records is optional and aimed at providing law enforcement with a pool of "good investigative information." Certain documents become less valuable as an information resource with the passage of time. Their continued retention inhibits an agency's ability to reference more current and valuable information sources.

The Records Unit is responsible for receiving, processing, retrieving and storing these documents. The records supervisor is generally responsible for:

- the quality of information being stored, retrieved and disseminated;
- the possible ramifications of retention of information beyond a "reasonable period of usefulness" or legal mandate;
- the cost of permanently storing the hard copy documents, or the cost of alternative storage of archive documents;
- the time consumed in referencing archive documents which may be stored off-site or in an inconvenient area of the facility;
- ensuring the security of these documents; and
- the general loss of efficiency when documents are kept indefinitely.

The intent of this section is to identify those laws that apply to records retention and destruction. It will also provide the framework for a retention and destruction program, make specific recommendations for retention and destruction, and provide sample resolutions and other documents necessary to establish a program.

Most agencies retain original reports for two years before they microfilm, data image or purge those documents which can be destroyed. Some larger agencies with document storage limitations, microfilm or data image reports at the earliest opportunity, disposing of the original reports once the verification of data imaging or microfilming has been received. Due to problems that have occurred relative to recent criminal court cases, we recommend that original

reports be retained for at least 180 days. This waiting period would eliminate any appearance of impropriety when original reports are being destroyed while a criminal case is actually pending.

Within the guidelines of the legal statutes referenced in this section, agencies should establish an ongoing schedule for the purge and destruction of documents.

The three units of this section include:

1. Mandated destruction requirements;
2. Government Code sections applicable to records destruction; and
3. Discussion of microfilming or laser disk storage as an alternative to destruction.

The first unit of this section will identify those code sections which *MANDATE* the destruction of specified types of records within identified time frames. Included will be information from:

- 11361.5 Health and Safety Code (H&S) - dealing with the mandated destruction of arrest and conviction records related to the possession of marijuana;
- 781(a) Welfare and Institutions Code (WIC) - dealing with the destruction of sealed juvenile records; and
- 851.8 Penal Code (PC) - dealing with the destruction of sealed adult records and specified records of Youth Authority parolees.

Also presented is information regarding statutes of limitations. These statutes must be considered in determining the retention period of crime reports. Information regarding record retention considerations related to the commencement of civil actions and retention information dealing with records involving city/county/state personnel is also included.

The next unit of this section lists the Government Code (GC) sections which apply to the destruction of:

1. city records,
2. county records,
3. city and county records, and
4. state records.

A discussion of the code content is provided after each code section.

Once the code sections related to mandatory destruction retention criteria for statutes of limitations and destruction of city/county/state records have been reviewed, a step-by-step process is provided to assist in preparation of a destruction resolution. Recommendations are also given to assist in carrying out the actual purge of files.

The last unit of this section addresses considerations for microfilming records or laser disk storage. Microfilming is discussed as an alternative method of storage for records which have been identified as requiring long retention periods.

**Code Sections
Requiring
Destruction of
Specified Records**

The code sections listed identify the types of records that *MUST* be destroyed. The retention of records that are required by law to be destroyed exposes agencies to potential civil liability. For purposes of convenience, each code section will be presented individually.

MARIJUANA

11361.5 (a) H&S – Destruction of arrest and conviction records; applicable offenses; method; records not applicable; cost.

11361.5(a) H&S

Refers to: Conviction of any person for violation of Health and Safety Code Sections 11357 (b), (c), (d) or (e), *or* 11360(b)

Applies to: Convictions occurring *AFTER* January 1, 1976, or arrests not followed by a conviction occurring after January 1, 1976.

Discussion

This section states that records as described above shall not be kept beyond two (2) years from the date of conviction or from the date of arrest if there was no conviction. One exception is a violation of 11357(e) Health and Safety Code, by a juvenile. The record shall be retained until the offender attains the age of eighteen (18) years at which time the records shall be destroyed as provided in this section (11361.5 H&S). The State is no longer reimbursing the costs incurred by local agencies in complying with the provisions of 11361.5(c) *but it is strongly recommended that agencies continue to purge these reports.*

NOTE: Section 11361.5(d) H&S states that “no records shall be destroyed pursuant to subdivision (a) if the defendant or a codefendant has filed a civil action against the peace

officers or law enforcement jurisdiction which made the arrest or instituted the prosecution and if the agency which is the custodian of those records has received a certified copy of the complaint in the civil action, until the civil action has finally been resolved. Immediately following the final resolution of the civil action, records subject to subdivision (a) shall be destroyed pursuant to subdivision (c) if more than two years have elapsed from the date of the conviction or arrest without conviction.”

11361.5(b) H&S 11361.5 (b) H&S – Destruction of arrest and conviction records; applicable offenses; method; records not applicable; cost.

Refers to: Sections 11357, 11364, 11365 and 11550 H&S as they relate to marijuana use, paraphernalia, visiting a place where marijuana is used, and being under the influence of marijuana, and as these sections existed prior to January 1, 1976, or statutory predecessors of any of these sections.

Applies to: Records of convictions and arrests not followed by conviction occurring prior to January 1, 1976.

Discussion This section provides for persons subject to an arrest or conviction for those offenses listed above to apply to the Department of Justice for destruction of those records. The persons shall submit an application upon a form supplied by the Department of Justice which shall be accompanied by a fee, to defray the costs, which shall not exceed thirty-seven dollars and fifty cents (\$37.50).

11361.5(c) H&S 11361.5(c) H&S – Method of destruction.

“Destruction of records of arrest or conviction pursuant to subdivision (a) or (b) shall be accomplished by permanent obliteration of all entries or notations upon the records pertaining to the arrest or conviction, and the record shall be prepared again so that it appears that the arrest or conviction never occurred. However, where (1) the only entries upon the record pertain to the arrest or conviction and (2) the record can be destroyed without necessarily effecting the destruction of other records, then the document constituting the record shall be physically destroyed.”

JUVENILE RECORDS

781(a) WIC

781(a) WIC – Petition for sealing of records.

Refers to: Records of matters involving the arrest, detention and/or petitioning of a juvenile before the juvenile court which have now been sealed by order of the juvenile court.

Applies to: Records sealed pursuant to the provisions of Section 781 WIC.

Discussion

This section states, in part, "Once the court has ordered the person's records sealed...The court shall send a copy of the order to each agency and official named therein, directing the agency to seal its records and stating the date thereafter to destroy the sealed records."

826(a) & (b) WIC

826 (a) & (b) WIC – Release or destruction of court records; reproduction

Refers to: Destruction of probation and juvenile court records relating to minors, starting in section "... (a) After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated, the probation officer may destroy all records and papers in the proceeding concerning the minor."

Applies to: Local law enforcement records within section (b) which states "If an individual whose juvenile court record has been destroyed or released under subdivision (a) discovers that any other agency still retains a record, the individual may file a petition with the court requesting that the records be destroyed. ... The court shall order that such records also be destroyed unless for good cause the court determines to the contrary."

Discussion

Subsection (a) provides for the records in the possession of the probation department and the juvenile court relating to minors to be ordered destroyed. Subsection (b) basically states that if, after the records of the probation department and the juvenile court are ordered destroyed, the subject of the record becomes aware that any other agency still retains a record, the subject may petition the court for an order to destroy the record.

**SEX
REGISTRATION
RECORDS**

290(d)(1) PC – Registration of sex offenders.

Refers to: (d) “[Persons discharged or paroled from Youth Authority; destruction of records.]

290(d)(1) PC

- (1) Any person who, on or after January 1, 1986, is discharged or paroled from the Department of the Youth Authority to the custody of which he or she was committed after having been adjudicated a ward of the court pursuant to Section 602 of the Welfare and Institutions Code because of the commission or attempted commission of any offense described in paragraph (3) shall be subject to registration under the procedures of this section.
- (2) Any person who is discharged or paroled from a facility in another state that is equivalent to the Department of Youth Authority, to the custody of which he or she was committed because of an offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses described in paragraph (3), shall be subject to registration under the procedures of this section.”

Applies to: All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies and other agencies or public officials.

Discussion It requires that all records specifically relating to the registration of a subject either paroled or discharged by the California Youth Authority, “shall be destroyed when the person who is required to register or has his or her records sealed under the procedures set forth in 781 of the Welfare and Institutions Code. This subdivision shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by a court under Section 781 of the Welfare and Institutions Code.”

Penal Code Section 290 was modified by the Legislature in 1993 and the words “attains the age of 25 years” were deleted preceding the disjunctive word “or”; thus leaving confusing language in the section. The destruction of records provision should only apply under this

subdivision to persons who have had their records sealed pursuant to Welfare and Institutions Code Section 781.

GANG REGISTRANTS

186.32(c) PC – “All registration requirements set forth in this article (186.20 PC – 186.33 PC) shall terminate five years after the last imposition of a registration requirement pursuant to Section 186.30.”

186.32(c) PC

ADULT RECORDS

851.8 PC – Sealing and destruction of arrest records; determination of factual innocence.

851.8 PC

Refers to: Arrest records in which the subject of the record has been found “factually innocent” of the charges.

Applies to: Arrest records sealed pursuant to this section. 851.8(a) PC states, in part: “The law enforcement agency having jurisdiction over the offense, upon a determination that the person arrested is factually innocent, shall, with the concurrence of the district attorney, seal its arrest records, and the petition for relief under this section for three years from the date of the arrest and thereafter destroy its arrest records and the petition.” If a *court* makes a finding of factual innocence, then the records must be sealed and destroyed regardless of the concurrence of the district attorney (Penal Code Section 851.8(b)). (For more specific details regarding the requirements of Section 851.8(a) PC, refer to the Secondary Processes section of this manual.)

RETENTION PERIODS – STATUTES OF LIMITATIONS

Criminal

The following code sections specify statutes of limitations for the filing of criminal complaints. In determining record retention requirements, the Penal Code sections listed should be reviewed because they specify the period of time after an incident in which a criminal complaint must be filed. If a complaint is not filed during that time span, the matter can no longer be prosecuted in *criminal* court.

In preparing a destruction resolution, it is recommended that these section numbers be listed and the purpose explained.

**Penal Code
Sections:**

799 – Offenses punishable by death or life imprisonment; embezzlement of public money; application to minors.

800 – Offenses punishable by imprisonment for eight years or more.

801 – Offenses punishable by imprisonment.

801.5 – Fraud; breach of fiduciary duty; official misconduct.

801.6 – Elder or dependent adult offenses.

802 – Offenses not punishable by death or imprisonment; misdemeanor violation of Section 647.6 or former Section 647(a); sexual offense of physician, surgeon or psychotherapist with patients.

803 – Tolling or extension of time periods.

804 – Commencement of prosecution for an offense.

805 – Determination of applicable time limitation.

805.5 – Operative Date; application of chapter.

832.5 – Procedure for investigation of citizen's complaints against personnel; investigation; description of procedure; retention of records.

Civil Chapter 2 of the Code of Civil Procedures presents information regarding the commencement of civil actions. When considering the retention of "noncriminal" documents such as traffic accident reports, reports of injured persons, etc., consider the most reasonable period of retention to allow availability of these documents for any civil action which could result from the documented occurrence.

**Other Retention
Considerations**

Reports involving city/county/state employees have the potential for reference as long as the employee is employed and, in some cases beyond their employment. This reference could result from a worker's

compensation claim of injury or in the form of a claim of liability against the employing agency. The employee must be informed of any report that is added to their permanent personnel file. There are two options to consider:

1. Ensure that a copy of the original document is available in the employee's file or the Office of Internal Affairs (e.g., officers involved in traffic accidents).
2. When such a report is being reviewed for destruction, consider forwarding the original report for storage in the employee's agency file or, if the employee is no longer employed with the agency, to the personnel department for retention in the employee's permanent file.

Retention of documents pending the resolution of civil matters can be accomplished by flagging the identified documents and noting the civil court case number. This will enable contact with the civil court clerk at a later date (when you would normally destroy the document) to determine the status of the case.

DESTRUCTION OF CITY RECORDS

The Government Code (GC) sections listed under this heading apply specifically to the destruction of CITY records and are, therefore, directed to city police agency records. These code sections present the framework within which a destruction ordinance must be prepared and specify that approval of such an ordinance requires the concurrence of the agency head, the city attorney and the governing body.

34090 GC

34090 GC – Destruction of city records; excepted records; construction.

“Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney, the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.

This section does not authorize the destruction of:

- (a) records affecting the title to real property or liens thereon;
- (b) court records;
- (c) records required to be kept by statute;

- (d) records less than two years old; and
- (e) the minutes, ordinances, or resolutions of the legislative body or of a city board or commission.”

Discussion Section 34090 GC states that if the record does not affect the title to real property or liens thereon, *and*

- if the records are not court records, *and*
- if there is no statute that requires that the record be kept, *and*
- if the record is more than two years old, *and*
- if the records are not minutes, ordinances, or resolutions of the legislative body or of a city board or commission, that:
 - on the request of your agency head; *and*
 - with the written consent of your City Attorney; *and*
 - with the approval of the legislative body (city council) by resolution;
 - you may destroy any city record, document, instrument, book or paper, within your agency, without making a copy of it, after it is no longer needed.

34090.5 GC 34090.5 GC – Destruction of records; conditions.

“Notwithstanding the provisions of Section 34090, the city officer having custody of public records, documents, instruments, books, and papers, may, without the approval of the legislative body or the written consent of the city attorney, cause to be destroyed any or all the records, documents, instruments, books, and papers, if all of the following conditions are complied with:

- (a) The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data-processing system, recorded on optical disk, reproduced on film or any other medium *that is a trusted system and that* does not permit additions, deletions, or changes to the original document, or reproduced on film, optical disk, or any other medium in compliance with the regulations adopted by the Secretary of State, as specified in section 12168.7 for recording of permanent records or nonpermanent records, whichever applies.
- (b) The device used to reproduce such record, paper, or document on film, optical disk, or any other medium is one

which accurately and legibly reproduces the original thereof in all details and which does not permit additions, deletions, or changes to the original document images.

- (c) The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are made as accessible for public reference as the original records were.
- (d) A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes.

However, no page of any record, paper, or document shall be destroyed if any page cannot be reproduced on film with full legibility. Every unreproducible page shall be permanently preserved in a manner that will afford easy reference.

For the purposes of this section, every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original."

Discussion Section 34090.5 GC says that if:

- the records are photographed, microphotographed or reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data-processing system, recorded on optical disk, reproduced on film or any medium in compliance with minimum standards or guidelines approved for permanent records; *and*
- the quality of the equipment used to photograph or reproduce the document provides the ability to reproduce a legible copy of the photographed document(s); *and*
- the device used to reproduce the record, paper or document is one which does not permit additions, deletions, or changes to the original document(s); *and*
- the photographed records are made as accessible to the public as the original document(s) were; *and*

- a *second* true copy of “archival quality” of the film reproductions are kept in a safe and separate place for security reasons; that
- the public records, documents, instruments, books, and papers may be destroyed without approval of the legislative body or city attorney.

**Clarification of
34090 and
34090.5 GC**

For purposes of clarity the following are the basic differences between Government Code Sections 34090 and 34090.5:

- 34090 GC allows the destruction of those law enforcement records that meet the listed criteria [(a) through (e) of 34090 GC] without microfilming, provided that the city attorney and the local governing body (city council) approve the destruction by resolution.
- 34090.5 GC allows the destruction of original records without first obtaining city attorney and council approval, if the records are first microfilmed, photographed or reproduced on a film, recorded in the electronic data-processing system, optical disk or any other medium which does not permit additions, deletions or changes to the original record.

34090.6 GC

34090.6 GC – Destruction of recorded routine video monitoring, telephone, and radio communications.

“Notwithstanding the provisions of Section 34090, the head of a department of a city, county, or city and county, public safety communications center, or the head of a special district, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department or the special district. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

- For purposes of this section, ‘recordings of telephone and radio communications’ means the routine daily taping and recording of telephone communications to and from a city, county, city and county or special district, department, and all radio communications relating to the operations of the department or special districts.

- For purposes of this section, 'routine video monitoring' means videotaping by a video or electronic imaging system designed to record the regular and ongoing operations of the departments or districts described in subdivision (a) including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems."

34090.7 GC 34090.7 GC – Duplicate records less than two years old; destruction; video recording media.

"Notwithstanding the provisions of Section 34090, the legislative body of a city may prescribe a procedure under which duplicates of city records less than two years old may be destroyed if they are no longer required."

Discussion Section 34090.7 GC basically states that if the documents are duplicates of original documents, *and* these duplicates are less than two years old:

- the city council may prescribe a procedure under which these duplicate files may be destroyed.

Summary Sections 34090 and 34090.5 GC states that city law enforcement records may be destroyed if they are first microfilming or preserving the documents by some other method of permanent storage. Section 34090.7 states: "... video recording mediums, such as videotapes and films, shall be considered duplicate records if the city keeps another record, such as written minutes or an audio tape recording, of the event which is recorded in video medium. However a video recording medium shall not be destroyed or erased pursuant to this section for a period of at least 90 days after occurrence of the event recorded thereon."

DESTRUCTION OF COUNTY RECORDS

The Government Code sections listed under this heading apply specifically to the destruction of COUNTY records and are, therefore, directed to county sheriff's agency records. These code sections present the framework within which a destruction resolution must be prepared and specify that approval of such a resolution requires the concurrence of the agency head, the agency attorney and the governing body.

26205 GC 26205 GC – Destruction of certain records; conditions.

“At the request of the county officer concerned, the board of supervisors of any county may authorize the destruction of any record, paper, or document which is not expressly required by law to be filed and preserved if all of the following conditions are complied with:

- (a) The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data-processing system, recorded on optical disk, or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and is produced in compliance with the regulations adopted by the Secretary of State as specified in Section 12168.7 for recording of permanent records or nonpermanent records.
- (b) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof in all details and which does not permit additions, deletions, or changes to the original document images.
- (c) The photographs, microphotographs, electronically recorded video images on magnetic surfaces, records in the electronic data-processing system, records recorded on optical disk, or other reproductions on film or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.

Notwithstanding any other provisions of this section, destruction of the original records, papers, or documents is not authorized when the method of reproduction pursuant to this section is reproduction of electronically recorded video images on magnetic surfaces unless a duplicate videotape of the images is separately maintained. A duplicate copy of a record contained in the electronic data-processing system, on optical disk, or any other medium that does not permit additions, deletions, or changes to the original document images shall also be separately maintained.”

Discussion

Section 26205 GC states that if the record, paper or document is reproduced on film or any other medium and is produced in compliance with the regulations adopted by the Secretary of State as specified in Section 12168.7 for recording of permanent records or nonpermanent records, and

- the device used for the reproduction accurately reproduces the original document in every detail, without permitting additions, deletions or changes to the original document(s); and
- the reproductions are placed in conveniently accessible files and provision is made for preserving, examining and using the files; and
- when the reproduction is contained in the electronic data-processing system, on optical disk or any other medium which does not permit additions, deletions or changes to the original document images, a duplicate copy of the record shall be separately maintained; and
- when the method of reproduction is by electronically recorded video images on magnetic surfaces, a duplicate videotape of the images is separately maintained; then
- the documents may be destroyed.

26205.1 GC

26205.1 GC – Destruction of nonjudicial public records, documents, etc.

- (a) “The county officer having custody of nonjudicial public records, documents, instruments, books, and papers may cause to be destroyed any or all of the records, documents, instruments, books, and papers if all of the following conditions exist:
 - (1) The board of supervisors of the county has adopted a resolution authorizing the county officer to destroy records, documents, instruments, books, and papers pursuant to this subdivision. The resolution may impose conditions, in addition to those specified in this subdivision, that the board of supervisors determines are appropriate.
 - (2) The county officer who destroys any record, document, instrument, book, or paper pursuant to the

authority granted by this subdivision and a resolution of the board of supervisors adopted pursuant to paragraph (1) shall maintain for the use of the public a photographic or microphotographic film, electronically recorded video production, a record contained in the electronic data-processing system, a record recorded on optical disk, a record recorded by any other medium that does not permit additions, deletions, or changes to the original document, or other duplicate of the record, document, instrument, book or paper destroyed.

- (3) The record, paper or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data-processing system, recorded on optical disk or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and is produced in compliance with the regulations adopted by the Secretary of State as specified in Section 12168.7 for recording of permanent records or nonpermanent records.
- (b) Paragraphs (2) and (3) of subdivision (a) do not apply to records prepared or received other than pursuant to a state statute or county charter, or records which are not expressly required by law to be filed and preserved.

For the purposes of this section, every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification or certified copy, as the case may be, of the original.

- (c) The county clerk having custody of the original or a copy of the articles of any corporation may cause the destruction of any or all the documents. 'Articles' includes the articles of incorporation, amendments thereto, amended articles, restated articles, certificates of incorporation, certificates of determination of preferences, dissolution certificates, merger certificates, and agreements of consolidation or merger.
- (d) Notwithstanding any other provision of this section, destruction of the original records, papers, or documents is

not authorized when the method of reproduction pursuant to this section is reproduction of electronically recorded video images on magnetic surfaces unless a duplicate videotape of the images is separately maintained. A duplicate copy of a record contained in the electronic data-processing system, on optical disk, or on any other medium which does not permit additions, deletions, or changes to the original document shall also be separately maintained.”

Discussion Section 26205.1 GC basically states that if a resolution is adopted by the county board of supervisors which authorizes the destruction of records (the board of supervisors may impose any conditions to that destruction of records as it deems appropriate), and

- if the files are first photographed, microphotographed, recorded on electronic recorded video production, recorded in the electronic data-processing system, recorded on optical disk, or recorded by any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and the reproduction is maintained for the use of the public; then
- the county officer having custody of these nonjudicial public records may destroy any or all such records. Destruction must, however, be preceded by approval of the board of supervisors.

Summary This section has presented that county records may be destroyed either after microfilming or preserving the documents by some other method of permanent storage and upon resolution of the board of supervisors without microfilming if there is no law expressly requiring that the record be filed and preserved.

DESTRUCTION OF CITY/COUNTY PUBLIC SAFETY RECORDINGS

The statutory requirements for destruction of public safety “recordings,” whether maintained by a city or a county agency, are provided in the following sections:

26202.6 and 34090.6 GC – Destruction of recorded radio and telephone communications.

**26202.6 and
34090.6 GC**

“Notwithstanding the provisions of Sections 26202, 26205, and 26205.1, the head of a department of a city, county, or city and county, public safety communications center, or the head of a special district after 100 days may destroy recordings of telephone and radio

communications maintained by the department or the special district. Such destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that such recordings are evidence in any claim filed or any pending litigation, such recordings shall be preserved until pending litigation is resolved.

For purposes of this section, 'recordings of telephone and radio communications' means the routine daily taping and recording of telephone communications to and from a city, county, city and county, or special district department and radio communications relating to the operations of such departments or special district."

NOTE: Both sections 26202.6 and 34090.6 GC are the same *except that* 34090.6 GC begins "Notwithstanding the provisions of Section 34090..."

Discussion Section 26202.6 GC says that if recordings of telephone and radio communications of a *city, county, or public safety communications center* are more than 100 days old, *and*

- if these recordings are not evidence in any claim filed or pending litigation, *and*
- if approval is first granted by the agency attorney and the legislative body (city council, board of supervisors); then
- the recordings may be destroyed.

Recordings which are evidence in any claim filed or pending litigation must be preserved until pending litigation is resolved. It should be noted that there is a 180-day time period within which a claim may be filed. Some agencies retain their tapes 180 days to insure they are not destroyed prior to any possible litigation. However, plaintiff's attorneys often wait to file a lawsuit until the 180th day. In these cases, law enforcement may not receive service of the subpoena until after the records are destroyed, and the plaintiff's attorneys may allege that the records were destroyed purposely. Because plaintiff's attorneys have one year in which to file a civil rights claim, agencies may wish to retain the recordings for at least one year. Some California departments are now maintaining their tapes for 18 months.

Recordings which detail responses and critical conversations which occur during police pursuits, officer-involved shootings and 911 calls

contain a real-time accounting of response and event time frames, complete with the emotion of the moment. Other sounds and voices are often captured on open mikes, which can put officers' responses in perspective. The tapes which have captured the emotion and detail of a law enforcement response are often invaluable to the defense of a department during a civil trial. We recommend that your agency consult with the agency's legal advisor regarding a policy to retain these records beyond 180 days.

DESTRUCTION OF STATE RECORDS

14755 GC

14755 GC – Preservation of records having value.

- (a) “No record shall be destroyed or otherwise disposed of by any agency of the state, unless it is determined by the director that the record has no further administrative, legal, or fiscal value and the Secretary of State has determined that the record is inappropriate for preservation in the State Archives.
- (b) The director shall not authorize the destruction of any records subject to audit until he has determined that the audit has been performed.
- (c) The director shall not authorize the destruction of all or any part of an agency rulemaking file subject to Section 11347.3.”

Discussion

Government Code Section 14755 requires Department of General Services approval before the records of a state agency may be destroyed. For additional information about scheduling records, refer to the Records Retention Handbook and Records Retention Schedule Guidelines available from the State Records Center at 916-445-3206.

14756 GC

14756 GC – Microfilmed, electronically data imaged and photographically reproduced records; standards; certification.

“The public records of any state agency may be microfilmed, electronically data imaged, or otherwise photographically reproduced and certified upon the written authorization of the head of the agency. The microfilming, electronic data imaging, or photographic reproduction shall be made in compliance with the regulations adopted by the Secretary of State, as specified in Section 12168.7 for recording of permanent records or nonpermanent records.

The certification of each reproduction or set of reproductions shall be in accordance with the standards, or have the approval, of the Attorney General. The certification shall contain a statement of the identity, description, and disposition or location of the records reproduced, the date, reason, and authorization for such reproduction, and other information that the Attorney General requires.

The certified reproductions shall be deemed to be original public records for all purposes, including introduction in courts of law and state agencies.”

Discussion

Government Code Section 14756 requires that the certification of these reproductions of records shall be in accordance with regulations adopted by the Secretary of State, or have the approval of the Attorney General. Once certified, the copies are deemed to be original public records for all purposes.

DESTRUCTION RESOLUTION PREPARATION

In addition to addressing concerns about quality, cost, availability and security, an effective destruction program can enhance efficiency and create a more pleasant work environment. An agency should consider the following:

- *Identify the need to destroy* – Are you running out of room to store older documents? Do you have difficulty in locating them? Are your employees having to struggle with inadequate, inconvenient, or unsafe storage facilities to reference them? Are they referenced with any regularity? When you do reference them, are they dog-eared, torn, mutilated, illegible? Can you easily provide security for them?
- *Identify specific types of records for destruction* – Are there certain types of records which are seldom, if ever, referenced? Is there any statutory requirement that they be kept as long as you already have kept them?
- *Micrographic/Optical Disk Storage* - If your agency presently uses micrographics to archive your agency's records prior to destruction, you may consider the cost savings of storing *some* of these documents on micrographic medium. Then, consider the cost savings of not using micrographics at all. There are many considerations to be addressed before committing to any automated processes – caution should be used. Remember, documents on microfilm, microfiche or optical disk must remain retrievable and as readily accessible as the original document(s)

would have been. This means indexing references to your stored records must be maintained. There are a number of electronic data imaging mediums that provide accessibility without allowing records to have additions, deletions, or changes made.

Following is a suggested five-step process that will assist in the preparation of a destruction resolution:

1. Make a list of the different types of files maintained by your agency.
2. Based on the statutes governing documents within your agency (city/county), refer to the listing at the end of this chapter for retention periods recommended for specific types of files. Indicate that retention period on your list.

Refer to sections 799, 800-806, and 832.5 of the Penal Code to determine the time period in which a criminal complaint must be filed.

All "documents" may not be "records" which fall under the provisions of the code sections previously discussed. When addressing this issue, keep in mind the following two questions:

- Whose record is this? Is it a local law enforcement record or is it actually the property of another criminal justice agency?
- Is there any statute requiring my agency to *do* anything with this document?

Clarify which files are actually agency files and which may be Department of Justice files.

5. Do a simple study designed to let you know how often the files you want to destroy are actually referenced.

Starting with the same list of files prepared in Step 1, group file names according to the statutes which require their destruction or retention for identified periods of time.

Determine whether the agency attorney will prepare the official resolution for presentation to the city council/board of supervisors or whether it is expected that you prepare the document. (A sample resolution for both city and county agencies is included at the end of this section.) If you are

expected to prepare the resolution, submit it with your formal proposal as completed staff work.

6. Once you have finalized retention criteria based on the recommendations presented in this chapter, prepare your documentation for the resolution to destroy specified records.

The destruction resolution should be "ongoing." This will allow the destruction of files regularly without repeating the resolution adoption process each year. Recognize, however, that some type of review of the listed statutes should take place annually to ensure compliance with current legal requirements.

7. Present your recommendations to your superior.

Monitor the status of your proposal. Be prepared to verbally support your efforts before the approving body (city council/board of supervisors) if necessary.

While you are waiting for approval of your destruction resolution, begin planning how the actual destruction will occur. Include details such as canceling automated system entries before destroying the documents, and deleting index references to documents being destroyed.

Pages V-28 through V-36 provide sample letters for requesting a resolution to purge, sample resolutions, and sample letters of consent. Samples are provided for both police and sheriff's departments.

DESTRUCTION OF YOUR FILES

Once the destruction resolution has been approved, begin to put a plan into action. This part of the process will take time and effort.

The initial destruction of existing files will require a tedious review of each file or group of files. Prepare easily interpreted instructions for the employees who will actually destroy the files, then monitor their performance to ensure that the instructions are being followed.

Look at the present method of filing to determine if there is a way that they can be identified for future destruction. For instance, if a specific crime report classification is purgeable in 5 years, think about color-coding the file folder tab with a color band that indicates "review for purge in 2005." This will mean that a schedule of color tabs will have to be prepared in advance and readily available to employees when setting up the initial file; for example: red – 2001, blue – 2002,

green – 2003, etc. When documents are added to this file, a review should occur to determine if the documents added to the file will require adjustment of the original purge date. The color tab can then be changed accordingly.

Agencies with automated records management systems should have a method for searching and identifying “permeable files” on the computer. Agencies considering automation of records should consider, as part of the request for proposal, requiring either a “purge date” field or the ability to search and identify files by type and date filed.

ALTERNATIVE STORAGE MEDIUMS

Now that you are familiar with the regulations and laws governing the retention and destruction of law enforcement records, you may want to consider other legal methods of retaining records for extended periods in a more condensed form. Micrographic and optical disk storage are two alternatives.

The law is quite specific about the use of micrographics in replacing the original hard copies of public records. Each type of agency has its own provisions within the Government Code.

NOTE: For best evidence rules - see Evidence Code 1500 et. seq.; for fees, requests for copies, see Government Code 6257; for inspection of public records see Government Code 6250 et seq.; and for school district records, microfilm copies, see Education Code 35254.

County Agency:

Government Code Section 26205 – Destruction of certain records; conditions.

City Agency:

Government Code Section 34090.5 – Destruction of records; conditions.

State Agency:

Government Code Section 14756 – Microfilmed, electronically data imaged and photographically reproduced records; standards; certification.

Anyone considering the use of microfilm should become familiar with the statutes that apply to their agency. Attorney General's opinions and case law related to each section should also be reviewed.

Agencies that microfilm documents should adhere to purge procedures that fully comply with legal requirements. These would depend on the type of equipment and film used. Roll film and microfiche jackets require different purge procedures. There are significant costs associated with purging technologies – caution should be used.

The use of microfilm requires the addition of microfilm reader/printers. An Attorney General's opinion (57 Ops. Atty. Gen. 6-20-74) specifies that a mechanical "reader" must be made available to the public for microfilmed documents, or hard copies must be made for the public, if requested. The State of California, Department of Justice, publishes an excellent reference guide for records supervisors. The publication, *California Criminal Record Security, Statutes and Regulations*, is published by the Division of Criminal Justice Information Services, Communications Administration Program, Records Security Section, to assist agencies in complying with the statutes and regulations dealing with the security, privacy and confidentiality of criminal offender record information. A copy may be obtained from the Communications Administration Program at 916-227-4815 (fax) or 916-227-3460 (phone).

PURGE RECOMMEN- DATIONS BY TYPE OF FILE

The following purge recommendations are based on the content of the sample purge resolution provided at the end of this section. They are not absolute and should be checked and reviewed by the city attorney or county counsel.

1. Arrest Report Files

Purge only those arrest reports which are required to be destroyed pursuant to sections:

- 290(d)(4) PC
- 851.8 PC
- 11361.5(a) H&S
- 11361.5(b) H&S
- 11361.5(d) H&S
- 11357(e) H&S
- 781(a) WIC
- 826(a) WIC
- 826(b) WIC

For clarification of these sections, refer to the portion of this section entitled "Code Sections Requiring Destruction of Specified Records" beginning on page V-3.

2. Police Report Files

Refer to the sample purge resolution, section #1, subsections (d), (e) and (g).

- Reports of lost/found property may be purged after two years if the items have been lawfully disposed of in that time.
- Reports of miscellaneous, noncriminal occurrences. Examples:
 - (1) Injured or sick person reports,
 - (2) Missing person reports where the individual has returned, and
 - (3) Traffic collision reports not used as the basis for criminal charges.

Noncriminal occurrences should be reviewed to be sure they are not the basis for any civil action at the time the file is being reviewed for purge. These files may be purged after they are *two* years old.

- Crime and supplemental reports of infractions, misdemeanors and felonies which meet the criteria presented in (1) through (7) of Section 1, subdivision (g) of the sample purge resolution, may be purged after they are *three* years old.

3. Traffic Accident Files

As noted above, traffic accident reports which are not the basis for criminal charges may be purged after they are *two* years old.

4. Alpha Index Card Files

Retention of alpha index cards is related to the retention of the document from which the index was prepared. Index cards should be purged as part of the document purge procedure. The cross-referenced index to microfilmed documents is to be retained indefinitely in order that the microfilmed record is as "readily accessible" as the original document would be.

5. Citation Files

Original citations (either moving or parking) are forwarded to the court once they are processed by law enforcement. There are two schools of thought that might be further reviewed:

- Once the original citation is forwarded to the court, it becomes a court document. Any duplicates retained by the issuing agency can be destroyed as soon as they are no longer needed. If you elect to pursue this philosophy, consider that if any original notes are entered on the department copy of the citation by the issuing officer, the document then becomes an "original" and can only be purged after the documents are more than *two* years old.
- The second school of thought believes that even though the original citation is sent to the court, the issuing agency has the responsibility to maintain a copy of each citation for the two-year period.

6. Correspondence Files

Correspondence received or sent that relates to a specific public record should be retained for the same period of time that the public record is retained.

Informational correspondence from the Department of Justice, Federal Bureau of Investigation, Department of Motor Vehicles, etc., should be maintained as long as the information provided is current. These documents should be pulled and replaced by the most current correspondence on the same subject matter.

Miscellaneous correspondence should be retained for a period of *two* years and then purged.

7. Dealers Record of Sale Files

The Penal Code does not require law enforcement to do anything with Dealers Record of Sale forms except receive duplicate copies of them. These forms should be destroyed as soon as they are no longer needed. The original document is maintained by the Department of Justice and automated lists of firearms purchases are furnished by the Department of Justice upon request.

8. Pawn and Secondhand Property Files

There is no legal mandate for local law enforcement to retain copies of secondhand dealer transactions once the information is entered into the State Automated Property System. Most agencies retain these records for two years.

9. Tear Gas Files

As with Dealers Records of Sale forms, there is no statutory processing required by law enforcement other than the receipt of a duplicate copy of the document. It is recommended that these documents be destroyed as soon as they are no longer needed.

10. Sex and Narcotics Registration Files

Only those records falling under the provisions of Penal Code Section 290(d)(1) may be destroyed. Refer to the specific code section.

11. Alcoholic Beverage Control License File

Documents provided to law enforcement by the Alcoholic Beverage Control Board (ABC) are duplicates of original ABC paperwork. If there is no follow-up investigation at the law enforcement level, the duplicates may be destroyed when they are no longer needed.

If, however, some investigation is completed at the local level, then any documentation of the investigation should be retained for the appropriate period (two years for licensing paperwork; or three years if no arrest occurs).

12. Concealed Weapon Permits/Bicycle License/Business License Files

The recommended retention period for expired licenses and permits is two years.

13. Auto Repossession Files

Written notification of repossession of a vehicle is a miscellaneous, noncriminal report and should be retained for two years and then destroyed.

Sample Cover Letter
DESTRUCTION OF CITY RECORDS

TO: City Attorney

I would like to establish a record destruction policy which will minimize the police department's document storage requirements.

The California Government Code authorizes two destruction methods for records. The first method relates to microfilming processes as authorized by Section 34090.5. Undertaking the microfilming of all departmental records, however, would be expensive. Even more important, there is no persuasive rationale supporting the retention of police reports for decades. For this reason I recommend the second method, the systematic destruction of records which have outlived their usefulness, as described in Government Code Sections 34090 and 34090.6.

Submitted with this letter is a draft resolution for submission to the city council; this resolution will permit me to implement the record destruction procedure. I would like you to review, modify (if necessary), approve and forward an appropriate resolution to the city manager for presentation to the city council. Also forwarded with the resolution are excerpts from the relevant Attorney General's opinion on the destruction of city records.

Sincerely,

Chief of Police

cc: City Manager

DRAFT RESOLUTION

RESOLUTION # _____

RESOLUTION OF THE CITY COUNCIL OF _____ APPROVING THE DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS, DOCUMENTS, AND PAPERS, PURSUANT TO SECTIONS 34090 AND 34090.6 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

WHEREAS the Chief of the _____ Police Department has submitted a request for authority to destroy obsolete records; and

WHEREAS said request is in accordance with the procedures and requirements of Sections 34090 and 34090.6 of the California Government Code; and

WHEREAS the Chief has stipulated the useful retention period for the Police Department records;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF _____

1. The following city records, documents, instruments, books or papers are no longer required and may be destroyed:
 - (a) Recordings of telephone and radio communications over one hundred and eighty (180) days old, providing such recordings are not evidence in any claim filed or any pending litigation (or potential claims and litigation), in which case such recordings shall be preserved for one hundred (100) days after the conclusion of litigation.
 - (b) Auction receipts and records over two (2) years old.
 - (c) Records of expired licenses and permits over two (2) years old.
 - (d) Records of lost and found items, which lost and found items have been lawfully disposed of, over two (2) years old.
 - (e) Miscellaneous noncriminal reports over two (2) years old.
 - (f) Police daily activity records and logs over two (2) years old.
 - (g) All crime and supplemental reports of infractions, misdemeanors, and felonies over three (3) years old, providing:
 - (1) They do not relate to an unadjudicated arrest, except for section 2, below.

- (2) They do not relate to unserved warrants.
 - (3) They do not involve identifiable items which have not been recovered.
 - (4) They do not relate to Penal Code Section 290 or 457.1, or Health and Safety Code Section 11590 registrants.
 - (5) They do not relate to a criminal death case.
 - (6) They do not relate to violations listed in Penal Code Sections 799 and 800.
 - (7) The cases are not presently involved in either civil or criminal litigation.
 - (h) All index cards and logs which relate to the destroyed case documents.
 - (i) Police dispatch cards over two (2) years old.
 - (j) Field interview cards over two (2) years old.
 - (k) Duplicates of all reports, when the duplicates are no longer needed.
2. Records pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of Section 11357 or subdivision (b) of Section 11360 of the Health and Safety Code occurring after January 1, 1976 shall not be kept beyond two years from the date of conviction, or from the date of arrest if there was no conviction.
3. Any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Police Department and internal affairs investigation files shall be retained for a period of at least five (5) years, providing such documents are not evidence in any claim filed or any pending litigation (or potential litigation), in which case such documents shall be preserved for five (5) years after the conclusion of litigation.
4. This Resolution also authorizes the Police Department to purge arrest warrants according to a recall schedule established by the Courts for the timely return of warrants.

Recommended for approval:

(Date)

SAMPLE LETTER OF CONSENT

TO: CHIEF OF POLICE

This is to provide written consent to destroy obsolete records of the _____ Police Department in accordance with the schedule established by Resolution # _____, of the City Council of _____, dated _____, 20____.

Sincerely,

City Attorney

cc: City Manager

OPTIONAL SAMPLE LETTER OF CONSENT

TO: CHIEF OF POLICE

This is to provide written consent to destroy obsolete records of the _____ Police Department as enumerated on the copy of your enclosed letter of _____, 20____. This destruction is in accordance with the schedule established by Resolution # _____, of the City Council of _____, dated _____, 20____.

Sincerely,

City Attorney

cc: City Manager

Sample Cover Letter

DESTRUCTION OF COUNTY RECORDS

TO: County Counsel

I would like to establish a record destruction policy which will minimize the Sheriff's Department document storage requirements.

The California Government Code authorizes two destruction methods for records. The first method relates to microfilming processes as authorized by Sections 26205 and 26205.1. Undertaking the microfilming of all departmental records, however, would be expensive. Even more important, there is no persuasive rationale supporting the retention of police reports for decades. For this reason I recommend the second method, the systematic destruction of records which have outlived their usefulness, as described in Government Code Sections 26202 and 26202.6.

Submitted with this letter is a draft resolution for submission to the board of supervisors; this resolution will permit me to implement the record destruction procedure. I would like you to review, modify (if necessary), approve and forward an appropriate resolution for presentation to the board of supervisors.

Sincerely,

Sheriff

DRAFT RESOLUTION

RESOLUTION # _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF _____ COUNTY
APPROVING THE DESTRUCTION OF CERTAIN SHERIFF'S DEPARTMENT RECORDS,
DOCUMENTS AND PAPERS, PURSUANT TO SECTIONS 26202 AND 26202.6 OF THE
GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

WHEREAS the Sheriff has submitted a request for authority to destroy obsolete records;
and

WHEREAS said request is in accordance with the procedures and requirements of
Sections 26202 and 26202.6 of the California Government Code; and

WHEREAS the Sheriff has stipulated the useful retention period for the Sheriff's
Department records;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF

1. The following county records, documents, instruments, books or papers are no longer required and may be destroyed.
 - (a) Recordings of telephone and radio communications over one hundred and eighty (180) days old, providing such recordings are not evidence in any claim filed or any pending litigation (or potential claims and litigation), in which case such recordings shall be preserved for one hundred (100) days after the conclusion of litigation.
 - (b) Auction receipts and records over two (2) years old.
 - (c) Records of expired licenses and permits over two (2) years old.
 - (d) Records of lost and found items, which lost and found items have been lawfully disposed of, over two (2) years old.
 - (e) Miscellaneous noncriminal reports over two (2) years old.
 - (f) Sheriff's daily activity records and logs over two (2) years old.

- (g) All crime and supplemental reports of infractions, misdemeanors and felonies over three (3) years old, providing:
 - (1) They do not relate to an unadjudicated arrest, except for section 2, below.
 - (2) They do not relate to unserved warrants.
 - (3) They do not involve identifiable items which have not been recovered.
 - (4) They do not relate to Penal Code Section 290 or 457.1, or Health and Safety Code Section 11590 registrants.
 - (5) They do not relate to a criminal death case.
 - (6) They do not relate to violations listed in Penal Code Sections 799 and 800.
 - (7) The cases are not presently involved in either civil or criminal litigation.
 - (h) All index cards and logs which relate to the case documents destroyed.
 - (i) Dispatch cards over two (2) years old.
 - (j) Field interview cards over two (2) years old.
 - (k) Duplicates of all reports, when the duplicates are no longer needed.
2. Records pertaining to the arrest or conviction of any person for a violation of subdivision (b), (c), (d), or (e) of Section 11357 or subdivision (b) of Section 11360 of the Health and Safety Code occurring after January 1, 1976 shall not be kept beyond two years from the date of conviction, or from the date of arrest if there was no conviction.
3. Any documents relating to citizen complaints or investigations in response to citizen complaints relating to members of the Sheriff's Department and internal affairs investigation files shall be retained for a period of at least five (5) years, providing such documents are not evidence in any claim filed or any pending litigation (or potential litigation), in which case such documents shall be preserved for five (5) years after the conclusion of litigation.

4. This Resolution also authorizes the Sheriff's Department to purge arrest warrants according to a recall schedule established by the Courts for the timely return of warrants.

Recommended for approval:

(Date)

SAMPLE LETTER OF CONSENT

TO: SHERIFF

This is to provide written consent to destroy obsolete records of the _____ Sheriff's Department in accordance with the schedule established by Resolution # _____, of the Board of Supervisors of _____ County, dated _____, 20____.

Sincerely,

County Counsel

OPTIONAL SAMPLE LETTER OF CONSENT

TO: SHERIFF

This is to provide written consent to destroy obsolete records of the _____ Sheriff's Department as enumerated on the copy of your enclosed letter of _____, 20____. This destruction is in accordance with the schedule established by Resolution # _____, of the Board of Supervisors of _____ County, dated _____, 20____.

Sincerely,

County Counsel

Insert Tab #8

Forms Control



1944-1945

1946-1947



VI. FORMS CONTROL

INTRODUCTION

Forms control is an essential component of a records management system. Forms control is a system of centralized responsibility for the development, maintenance, numbering, revision, ordering and supply of designated forms. Forms are used to record, transmit and store information. Forms processing represents a significant expenditure of personnel time. Effective forms control will ensure that desired information is collected in a consistent format, will limit the duplication of information and effort, and will ensure an adequate forms supply and systematic forms revision. All of these elements contribute to the integrity and efficiency of the total records system.

The forms control concepts and procedures recommended in this section are basic. They are particularly suitable for the small and medium-sized agency where responsibility for forms control usually rests with the records supervisor. Recommendations in this section are meant to serve as guidelines. Each agency should adapt the concepts to fit its own operations and needs.

ELEMENTS OF FORMS CONTROL

The six basic elements of a forms control system are:

1. Central responsibility
2. Written policy
3. Forms inventory
4. Form development and revision
5. Form numbering
6. Form ordering and supply

CENTRAL RESPONSIBILITY

The responsibility for forms control should be centralized. One person should be the coordinator for all forms activities. This individual will:

- Maintain an inventory of agency forms;
- Assist in form development and design;
- Number new forms;
- Consolidate duplicate forms;
- Assist in form revisions;
- Order forms;
- Maintain adequate forms supply, and
- Maintain a location guide.

Records supervisors are often given this responsibility. The determination of forms control responsibility must be based on agency size, specific job classifications, and agency circumstances.

WRITTEN POLICY

A forms control directive must be written to identify policy and to establish procedures. This written document is designed to ensure uniformity and compliance, as well as to train and inform. Its objectives are to:

- Promote consistent policies;
- Assure uniform and appropriate forms design;
- Prevent the use of unauthorized forms,
- Prevent duplicate forms;
- Control form volume;
- Ensure adequate forms supply; and
- Prevent duplication of effort.

A sample directive is included in the Model Directives section, pages A-1 through A-4.

FORMS INVENTORY

Forms control starts with the identification of all forms used by the agency. This is accomplished through a forms inventory. The inventory consists of a listing of all current agency forms. The forms can be collected in several ways, depending upon agency size. In a small agency, the records supervisor can simply gather the forms in use. In a larger agency, each section or unit can be asked to provide current forms to the forms control coordinator. Two copies of each form in use should be collected.

Two files should be established:

- A numerical file – a collection of all current forms filed in numerical order by form number.
- A functional file – a collection of all forms segregated by form subject or function.

Numerical File

The numerical file consists of one, letter-sized file folder for each form. The folder, which is the basic working file, should be labeled with the form number and form name. Each folder should contain:

- The most current example of the form, along with any older versions clearly identified as such. This provides an overview of the form's history and assists when considering further modifications.
- Form specifications (color, size, type of paper or card stock, number of sides, number of copies, placement of holes or perforations, fold instructions, NCR, etc.).
- Form number and title.
- Form preparation and distribution instructions.
- Minimum stock level and ordering information.
- Estimated annual use.

This file should contain an accurate record of the history and use of each form.

Functional File

The functional file consists of a group of file folders, each pertaining to a particular subject, such as:

- Administrative forms,
- Log forms,
- Personnel forms,
- Property/evidence forms,
- Report forms,
- Routing forms,
- Supplemental forms,
- Traffic forms, and
- Vehicle forms.

The purpose of the functional file is:

- To compare forms by function to determine if overlapping or duplication is occurring,
- To provide easy access to forms related to the same function,
- To prevent the development of new forms when an existing form will do,

- To locate a form when the name and number are not known, and
- To aid in the analysis of agency processes related to a particular subject.

As the functional file is completed, ideas for forms consolidation will become apparent. Forms consolidation is an excellent method of reducing the number of agency forms and recording concise information with less effort. A forms inventory will also identify forms that are no longer used.

A complete forms index, listing each form number and title, should be developed for easy reference.

FORM NUMBERING

Each form should have a unique form number. The form number is the most basic reference to a specific form. The forms inventory may reveal unnumbered forms in use. These must be given a number if they are to continue to be used. All form numbers should be preceded by an agency identifier consisting of the agency's initials.

Several numbering systems are acceptable. In the simplest numbering system, forms are numbered consecutively starting with "1." No significance is built into such a system. Other options might include the grouping of form numbers according to use. For example, all general report forms could be in the 100 series, all property and evidence forms in the 200 series, etc. This numbering system permits forms with like functions to be stored together when maintained numerically, and provides easy access to forms when the number is not known.

Another option might be to include an alphabetic prefix to a form number which indicates which agency section uses the form. For example, administration form numbers would be preceded by an "A," investigation forms preceded by an "I," etc. This system segregates forms by users. This system also provides convenient access to forms.

The simplest numbering system is usually the best. If an existing numbering system works, it is best not to change. Changing all the numbers, which would also mean revising manuals and the forms themselves, could lead to more work and disruption. When a form becomes obsolete and the form's use is discontinued, the form number should be retired along with the inventory file folder. Reassigning form numbers can lead to confusion.

FORM DEVELOPMENT AND REVISION

Employees should be encouraged to suggest methods for improving efficiency. This often results in the proposal for a new form, revision of an existing form, or a consolidation of forms. Written policy should identify the approval process.

When a proposal is made to develop a new form, the forms coordinator should:

- Evaluate the need for the new form.
- Determine if there is an existing, similar form.
- Flow chart the new form's use to determine processing implications and resultant personnel time.
- Identify any related changes required by the addition of a new form; i.e., revision of manuals and directives.
- Weigh the benefits received by using the new form against any burdens imposed by the form; i.e., additional staff time required to complete and process the form, revise manuals and directives, etc.
- Recommend development (or rejection) of the new form.
- If appropriate, advise the training officer of the new form so needed training can be prepared and occur prior to the form's introduction.

Many of the above steps are also appropriate when evaluating proposed form revisions or consolidations.

Once the basic concept of a new form is approved, the design phase begins. Figure VI-1, page VI-6, depicts the form development process.

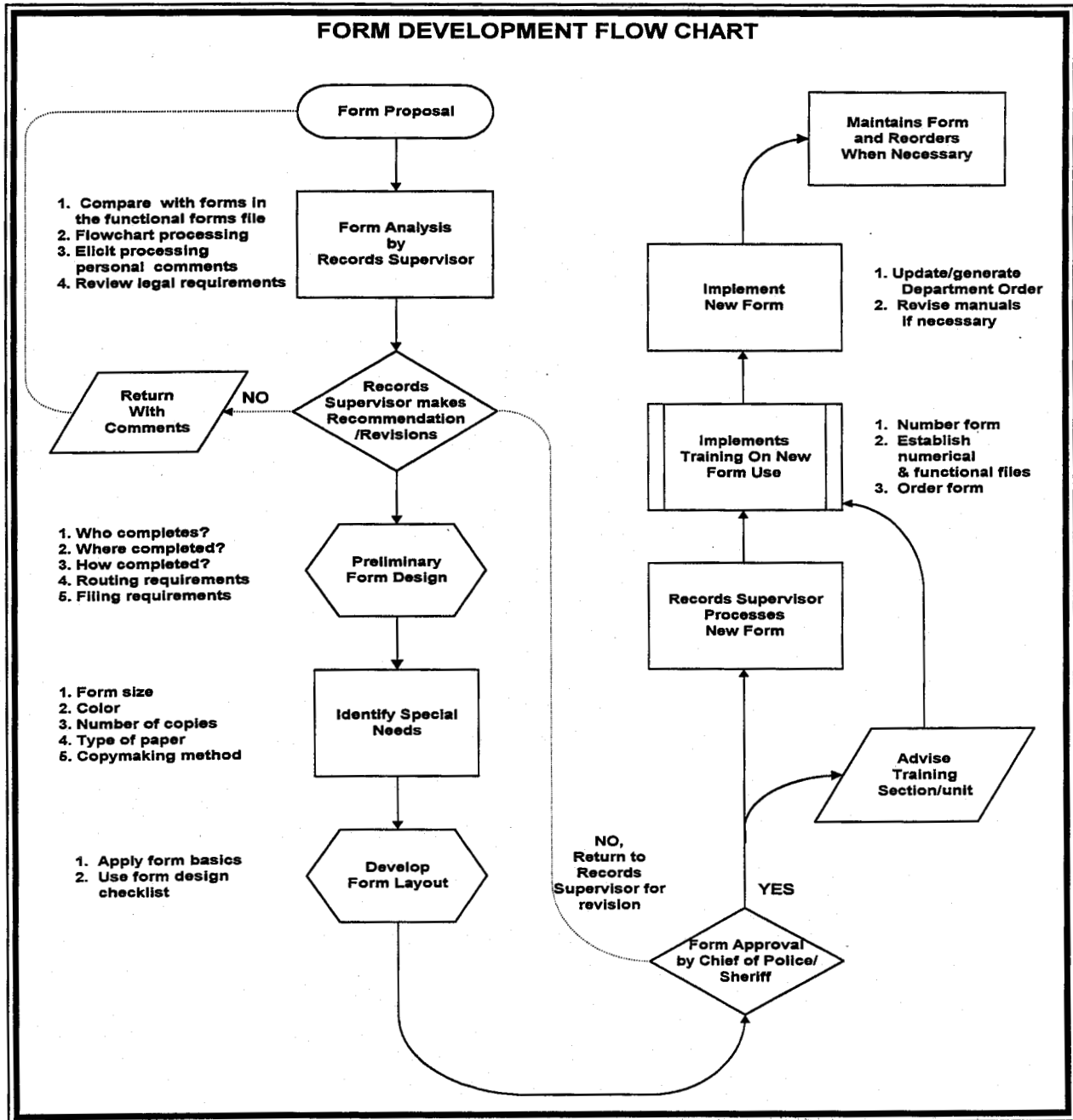
A well-designed form is *clear, concise*, and facilitates *ease of data entry*. Basic considerations in form design are:

- What is the purpose of the form?
- Will the form be completed by hand, typewriter or computer?
- Where will the form be completed?
- Who will need copies of the form?
- Will the form be filed, and if so, where?

These preliminary considerations will identify special needs related to:

- form size,
- form color,
- number of copies,
- the use of card stock, and
- the use of "no carbon required" (NCR) paper.

Figure VI-1



Circumstances may arise requiring the use of a temporary form. The form development process should remain the same to ensure temporary use; however, an expiration date should be clearly visible on the form.

Forms requiring copies present special problems. Copies are produced using "no carbon required" (NCR) paper or an office copier. There are factors to consider in each method.

NCR paper is easier to use (no clean-up or disposal problems), but legibility may vary depending upon conditions such as writing pressure and exposure to sun and moisture. NCR paper is slightly more expensive to purchase than plain paper, is subject to markings, and images may deteriorate with extended storage.

Office copiers produce the most legible copies. There is little image deterioration with storage and copies are not subject to markings. The costs associated with producing copies occur in personnel time, paper and increased copier usage.

Several factors must be considered in determining which method to use for producing copies. Agency report forms, which may be completed by an officer in the field and which contain significant information subject to retention, are best duplicated by office copier. Those forms of lesser significance, prepared in a controlled environment, can be reproduced using NCR paper. The method used to produce copies is dependent upon:

- Significance of content;
- Method of completion;
- Environmental conditions;
- Retention period;
- Cost factors; and
- Desired copy quality.

Each form requiring copies must be evaluated as to the method most suitable, taking into consideration the above factors.

Form Content Arrangement

The logical arrangement of information on a form is important for user efficiency and ease of handling. Once it has been decided what information will be gathered, the information should be arranged into groups and the groupings then arranged into the appropriate order. The relevant issues in this arrangement concern the accessibility of key information and its logical sequence.

The information used to reference the document, such as the case number, should be placed in the most visible location, usually the upper right-hand corner. How a document will be filed and retrieved is an important factor. Signature boxes used for approvals appear at the bottom of the form.

Form Layout

The following are generally regarded as the basis for a well-designed, functional form:

1. Vertical Spacing - Three writing lines per inch will accommodate most handwriting. This spacing also accommodates computer-generated entries.

Example:

1"

2. Horizontal Spacing - For entries up to ten characters, allow one inch for every five characters. For entries over ten characters, allow two inches plus an inch for every seven to eight characters. This spacing is adequate for handwritten and computer-generated forms and provides some space between entries. This spacing adds to the readability of the form.

Example: 1"

1 2 3 4 5

3"

123456789101112131415161718

3. Upper Left Captions Style - This design style is recommended because:

- The captions become secondary after the form is completed;
- No writing space is taken up by the captions;
- It provides more room for completion.

Example:

Address
Name
City, State, Zip Code

4. Captions - These should be clear and readily understandable by anyone completing the form. Few directions for forms completion are necessary with well-thought-out captions.

Example:

Date of Incident
Date of Report

5. Check Boxes - These should be placed in front of the choices.

Example:

Case Status	<input type="checkbox"/> Pending	<input type="checkbox"/> Suspended
	<input type="checkbox"/> Unfounded	<input type="checkbox"/> Closed

6. Screens - Screens or shaded areas can be used to highlight certain areas. This is frequently used to indicate data entry items.
7. Margins Adequate margins are essential because:
- The form appears neater; and
 - The form can be placed in a binder without losing information along the left-hand column.

A 3/8" border around the form is usually adequate. If the form will be maintained in a three-ring binder, 5/8" to 3/4" is suggested.

8. Instructions - Instructions for forms completion should be located in the agency's report writing manual. These instructions will indicate under what circumstances and by whom the form shall be completed, as well as further information on desired content.
9. Distributing and Routing Information - The distribution of agency report forms (crime reports, incident reports, etc.) will be identified in the agency's report writing manual. Other types of

intra-agency forms can have specific routing information clearly stated on each copy of the form. This information should be located along the bottom or stacked in the lower left corner of each copy. Bolder typeface can be used to draw attention to these instructions.

10. Form Number and Title - These are the essential elements in identifying a form. Form numbers are used for inventory control, for ordering, and for reference in written procedures. Form numbers should be placed in the lower left corner. Form titles should be placed at the top of the form. Overall consistency in location is important.

FORM DESIGN CHECKLIST

This checklist can be used to determine if form design will meet the needs of the users.

Arrangement:

- Are all items arranged in a logical sequence, taking into account how the information is recorded and retrieved?
- Is key information in the most visible location?
- Is non-releasable information concentrated in one area so that masking can be efficiently used?

Spacing:

- Is adequate space provided for each data element requested?
- Is the horizontal spacing adjusted to provide a minimum number of computer tab stops?
- Is the vertical spacing set for ease of key movement to the next line?

Captions:

- Are the captions easily understood?
- Are captions placed in the upper left corner of each fill-in area?
- Will abbreviations be readily understood?

Multiple-Choice Answers:

- Are clear and comprehensive choices given?
- Are the choices and check boxes arranged properly for accurate fill-in?

Instructions and Distribution:

- Are instructions for completion clear and placed near the items being explained?
- Is specified routing information on each copy of a multi-part form?
- Are the routing instructions along the bottom or stacked in the lower left/right corner of each copy?

Margins:

- Are margins adequate for any binding technique, such as three-ring binder, arch file or metal fasteners?
- Are margins adequate for other handling processes, such as stapling and office copier reproduction?

Type, Lines and Screens:

- Do the lines on the form vary in width and boldness to guide the user?
- If shading is used for highlighting or separation, is it really helpful? Remember that shading can often affect the quality of office copier reproduction and/or imaging systems.
- Within the same typeface, is there variation in the size of type, its boldness, and use of capital and small letters and italics to enhance the appearance and legibility of the form?

Construction:

- Is the size standard to avoid higher costs and delays in reordering?
- Is the paper weight appropriate for the form's use and retention?

- Is the paper color appropriate and suitable for office copier reproduction and/or imaging systems?

Identification:

- Is the title appropriate?
- Is the agency properly identified?
- Is the agency "originating agency identifier" (ORI) number on the report form?

General:

- Will this form accomplish its purpose with minimum effort by all users?
- Has form processing been analyzed by flow charting to discover potential problems?
- Does the form meet legal mandates and requirements?
- Have clerical processing personnel given feedback on form use?
- Have potential users given feedback on form use?

FORMS ORDERING AND SUPPLY

Centralized responsibility for forms ordering and supply is essential for an orderly and cost-effective forms supply system.

The six steps in this process are:

1. Establish annual form usage and reorder criteria (based upon date or inventory) for each form. This information is maintained in the numerical forms file folders, which also contain specifications and order histories.
2. Place a form reorder indicator at the appropriate place in the existing forms stock. This can be a colored sheet with instructions to the user to place the indicator in a designated location for reorder purposes.
3. Notify, in writing, the appropriate supervisory-level personnel of the proposed reorder date. State that any proposed revision or change should be communicated immediately.

4. Reorder form on scheduled date.
5. Place a copy of reorder sheet in "reorder folder" to monitor order time.
6. When the order is completed, place the reorder sheet into the appropriate folder in the numerical forms file for historical reference.
7. If using a computer system (e.g., Smart Forms), information on ordering forms may be kept here instead of in hard copy.

This simple supply and ordering procedure, if followed carefully, should result in an adequate supply of agency forms.

The basics of forms control can be adapted to fit any agency. The key to a successful forms control system is centralized responsibility and a well-planned system formalized in a written policy.

Insert Tab #9

System Audit Procedures

VII. SYSTEM AUDIT PROCEDURES

INTRODUCTION

Law enforcement records management demands a close check on controls and performance auditing. In large agencies, audits may be performed by staff assigned to inspectional services. In smaller agencies, records managers or other assigned personnel may perform this function. The auditing process is intended to provide pertinent information to managers and supervisors to assure that processes and procedures are meeting identified objectives. Each agency must determine the auditing configuration best suited to its needs.

An audit is defined as "an official examination and verification of accounts and records." Its basic objective is to control and verify the integrity of records and the reporting system. It provides a means for assuring compliance with existing rules, regulations and policies by identifying any weaknesses in the reporting system and then providing information necessary to take corrective action and improve performance.

A formal audit procedure involves conducting a preliminary survey and an in-depth audit. The purpose of the survey is to discover problem areas in the record-keeping system and to collect necessary general information about the system. This survey is used to identify areas of concentration in the preparation of the audit plan. To facilitate this task, interviews and questionnaires may be used. Questionnaires should be given to records personnel and selected operations personnel. Each group has a specific perspective on the overall records system and will be able to report perceived problems, bottlenecks, delays or other processing problems. The questionnaires should help to identify the main areas on which the audit should focus and may identify information or documents necessary to conduct the audit.

The in-depth audit will involve the random examination of records and other documentation, the visual inspection of files, possible testing of procedures and the preparation of the final report.

LEGAL STANDARDS

The audit concept of quality control is one of the standards set by the National Advisory Commission on Criminal Justice Standards and Goals, *Criminal Justice System*, Police Information Systems, Standard 4.7, Quality Control of Crime Data:

"Every police agency should make provisions for an independent audit of incident and arrest reporting. The audit should verify that:

1. Crime reports are being generated when appropriate;
2. Incidents are being properly classified; and
3. Reports are being properly prepared and submitted."

The Justice System Improvement Act (JSIA) Regulations, 28 C.F.R., Section 20.1 et seq. (formally known as the LEAA Regulations) address standards for the quality of criminal history record information. JSIA Regulations 28 C.F.R., Section 20.21(a), subsection 5 states that:

- "Criminal justice agencies must institute a process of data collection, entry, storage and systematic audit that will minimize the possibility of recording and storing inaccurate information."

In addition to these requirements, 42 United States Code 3771(b) establishes a standard which is prescribed for records management and perhaps the establishment of maintenance standards for records. In part, it relates that:

- "Criminal justice agencies specifically have a duty to maintain records that are accurate, complete and up-to-date. To ensure that legally sufficient record management is present, each administrator should ensure that there are security audit standards and personnel training standards which would allow accurate and up-to-date records."

Title II, Section 702 of the California Administrative Code, subsection (c) states that the California Department of Justice shall:

- "Conduct audits of authorized persons or agencies using criminal offender records information to ensure compliance with state regulations."

The Department of Justice is required to audit *each user agency* to ensure compliance with CJIS and NCIC policy and regulations.

TYPES OF AUDITS

Although this section will primarily address itself to the internal operations audit of a police record-keeping system, it is important to note that several types of audits exist. Those which impact the criminal justice field include:

- Management Audit – Examination and evaluation of an agency's organizational structure, plans, policies and systems.

- Operational Audit – Examination and evaluation of the efficiency and effectiveness of the use of resources and the extent to which practices and procedures adhere to policies established by management.
- Compliance Audit – Examination to determine if certain legal requirements have been met.

WHO CONDUCTS THE AUDIT?

Records audits are most often performed by records managers. Records managers usually have the best overall view of records processes, procedures and legal requirements, as well as the responsibility for the supervision of records processing personnel.

HOW OFTEN SHOULD YOU AUDIT?

Although there are no set time frames for conducting audits, good management dictates that inspections and audits be planned and scheduled on a periodic basis so that all critical areas are covered within an established time period. Problem areas may require audits on a more frequent basis. The records operation should be audited at least once a year. Frequent changes occur in law enforcement, many due to changes in the law. Due to the potential liability placed upon agencies, their employees and the data they maintain, it is essential that records managers monitor and inspect their sections annually.

DOJ Audits

The Department of Justice will schedule your agency for regular audits of your NCIC validation procedures and training. An extensive pre-audit questionnaire will be mailed to your agency to complete and return to the DOJ, Data Base Audits Sections. The questionnaire provides DOJ inspection personnel with important background information to be used as a guide for the audit. The purpose of the audit is to assist you with identifying problems and to improve records systems.

WORKING PAPERS

The documents developed during the audit, otherwise known as the "working papers," contain the records of the preliminary survey, the audit plan, the results of interviews, physical inspections and all other paperwork relating to the audit. They are the organized references to supporting data. The working papers provide evidence to support the audit, and they provide background and reference material for future audit planning.

Documentation should be made on standard 8 ½" x 11" paper. This will allow placement in binders.

IMPACTS OF AUTOMATION

Although the use of computers does not affect audit standards, computerization does have a significant impact upon all aspects of information systems. Therefore, it may be necessary to audit both the manual processing as well as computer-based processing activities. This evaluation may involve tracing selected transactions "around the computer" and/or auditing "through the computer."

Auditing Around the Computer

This audit approach consists of tracing data from the source documents to the final reports. This assumes that if the final product was "correctly derived from the input, then the computer processing is functioning properly." For example, if the records system utilizes the entry of specific data for the purpose of creating a data-base, providing management reports based upon time frames, types of crime, etc., and if the entry of that data does provide the requested reports/information in a useable and acceptable form, then it is assumed that the computer processing is functioning properly. Therefore, there is no need to test the computer program. The main advantage to this type of approach is that it is economical, simple to apply and the auditor needs little if any knowledge concerning computer programming.

Auditing Through the Computer

This approach assumes that if the processing system is reliable, then the final output will most likely be accurate. This involves testing the processing and programmed checks which are found in the programs. This involves a relatively high degree of computer programming knowledge by the auditor. In addition, there can be substantial costs involved in this type of testing.

USE OF FLOWCHARTS

Flowcharts are diagrams that "graphically portray the sequential flow of data and/or operations through a procedure." Flowcharts are cost effective in portraying the flow of documents through a system. Beginning with the origination point, they trace the distribution of documents as they are processed within various units and are moved toward their ultimate destination. They also indicate interfaces with other related procedures and can help to identify poor processes. They help decide what should be done and who should do it.

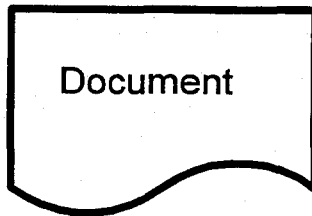
Flowcharts are drawn as part of the audit process and will be kept with the working papers; occasionally they are included in the final report.

The flowchart depicts what jobs are being performed, where, how, and by whom. The chart identifies all documents, forms, and reports in a procedure. It further identifies the equipment used and the output of

the equipment. The flowchart records every action required to produce the final product. It also provides statistical data.

HOW TO FLOWCHART

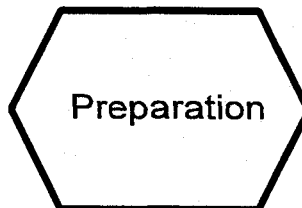
Although flowcharts appear in many forms, they are basically a word and symbol picture of the major steps involved in the workflow procedure. Flowcharts may be drawn by hand or they may be computer generated using a flowcharting program. A simplified flowchart utilizes the following symbols:



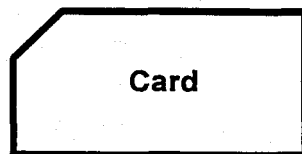
The *document* is used to represent any type of hard copy input or output. It can be a manually prepared document, such as a letter, form or report, or it could be a computer-generated document. It should be identified by placing its name (e.g., Initial Report) in the center of the symbol.



Action symbols indicating workflow or movement of items or operations from one place to another. An alternative direction of flow can be identified by drawing a thicker line, a double line or a dotted line. Two examples are shown.



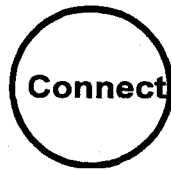
Any *preparation* method such as handwritten, typewritten, computer-generated, etc. It should be identified by placing its name in the center of the symbol.



Punch, magnetic or tab card. This is a multi-use symbol which may be used to identify records or computer-related procedures. It should be identified by its form number or by placing its name in the center of the symbol.

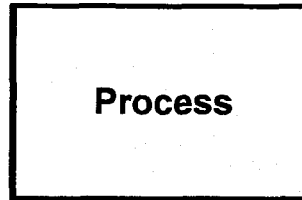


A *terminator* symbol is used to denote a start or stop process.



A *connect* symbol may be used to join or connect elements of a process or procedure.

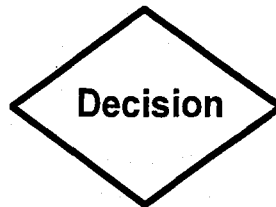
Symbols used in identifying most operations which occur in an office procedure include:



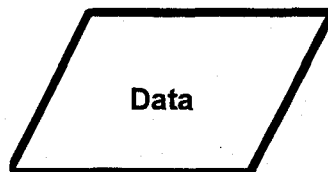
PROCESS – A process occurs when information is arranged and prepared and when actual action takes place, such as opening mail, time stamping documents, preparing a report, etc.



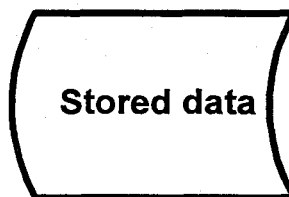
ACTION – As previously mentioned, this is a transportation symbol indicating workflow or movement from one person to another, one desk to another, etc.



DECISION – A decision symbol is used whenever a process requires approval to move to the next stage.



DATA – This symbol represents the input or output of data.



STORED DATA – This occurs when a flow is terminated for temporary or permanent safekeeping, such as the filing of paperwork in a storage file.

In the actual preparation of the flowchart, it is necessary to fill in the identifying information at the top of the form (Figure VII-1, page VII-8). This information should be brief and accurate. It is important to remember that all symbols used *must* be properly identified. Any multi-use symbols may take on different meanings without proper identification. The computer-enhanced flowcharting programs contain a greater selection of symbols and graphics than the standard template symbols we have depicted here. The variety of symbols and/or graphics in a computer flowcharting program enable a novice to produce a professional flowchart for any process.

Although multiple charts may be required to document a procedure or operation, their combination will provide a complete method for analyzing all factors involved in the tasks. The charts should establish how many operations are involved, how often they occur, how many actions are required, the number of employees involved, the distance covered, the delays occurring, any inspection stations, and the temporary and final storage of the papers/product involved.

SAMPLE FLOWCHART

REPORT TO ISSUANCE OF WARRANT

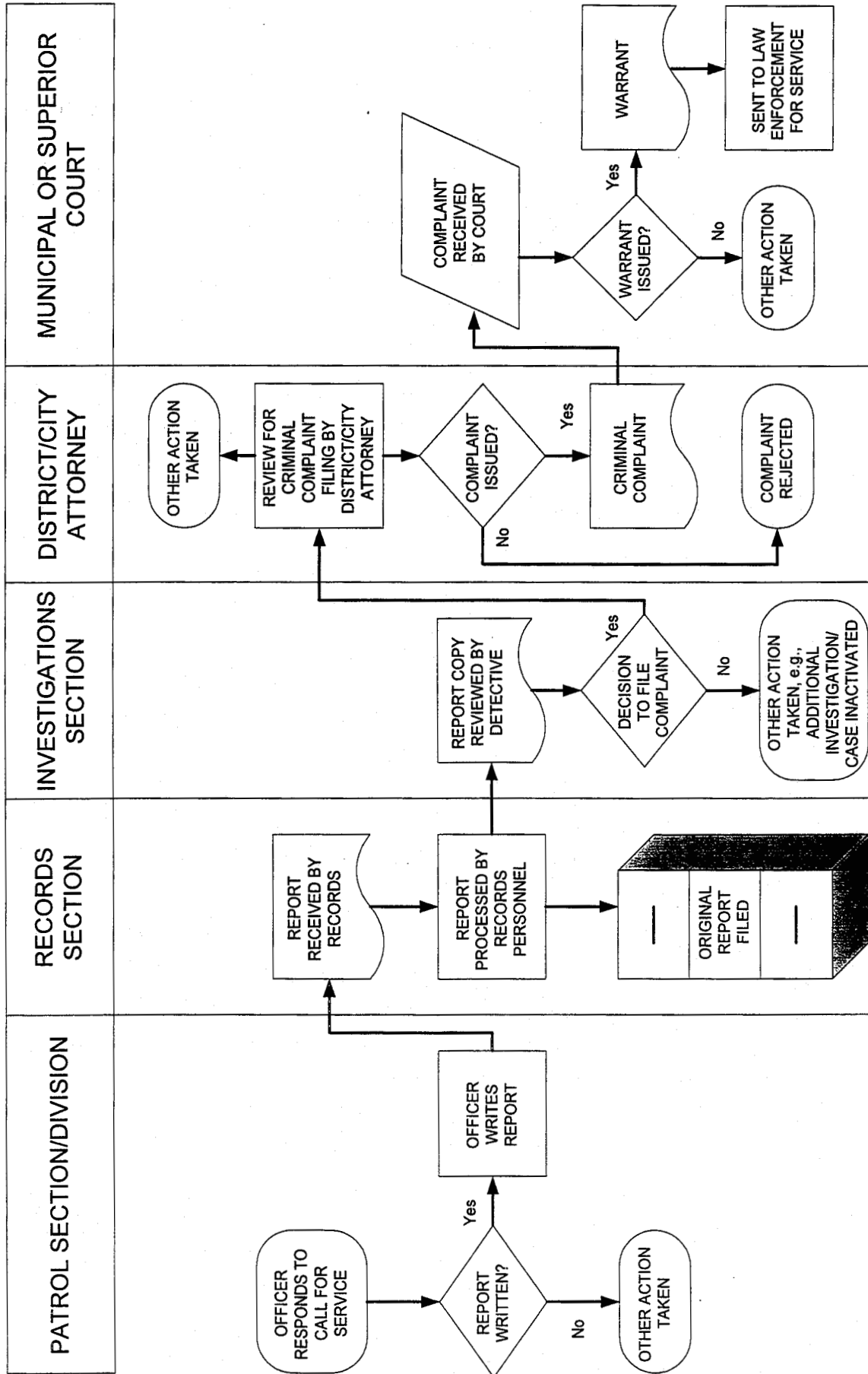


Figure VII-1

THE AUDIT PROCESS

Data Collection

Write down every operation involved in the procedure under audit. Obtain all data available, including time required to process data; number of transactions processed daily, weekly and monthly; number of employees performing the tasks; and the number of duplicate or identical tasks performed.

Data Analysis

After compiling the data, draw a preliminary flowchart. The flowchart may reveal bottlenecks, duplicate and unnecessary tasks, or overlapping duties. Ask these questions:

- Is there a valid need to perform the operation?
- Why is it performed?
- Why is it performed in a particular area?
- Why is it performed at a particular time?
- Why is it performed using a particular method?

The flowchart has become a popular audit tool. It provides a clear pictorial representation of the reporting system. It can aid in the training of new employees and identify processing inefficiencies, as well as identify control strengths and weaknesses.

Planning the Operation Audit

The audit can be performed efficiently if care is taken in the planning stage. This involves gathering data and interpreting its meaning. It means conducting interviews and investigations, performing analysis, measuring employee performance and finding solutions.

Before beginning the actual audit it is necessary to define the scope of the audit. This is merely a matter of listing the points to be covered and the procedure to be followed in performing the inspection. The following areas should be examined prior to the start of the actual audit:

- Organization – Study the organizational structure of the area under appraisal. Compare the existing structure with that depicted in the agency organizational chart.
- Policies and Procedures – Conduct a study to find out what action, if any, must be taken to improve the effectiveness of the policies and procedures. Obtain copies of all written agency rules, regulations and instructions for record-handling practices.

- Regulations – Determine whether the agency is in compliance with all local, state and federal regulations. Obtain copies of all relevant statutes, ordinances and regulations.
- Systems – Study the systems and procedures for possible defects or irregularities. Seek out methods to bring about possible improvements. Obtain copies of all data collection forms (crime reports, etc.) and all data output forms (rap sheets, fingerprint cards, disposition forms, etc.).
- Staffing – Study the general personnel requirements and their application to the work in the area under appraisal.
- Layout and Equipment – Determine whether or not improvement could be made in the layout of the work area or use of equipment.

Use of Questionnaires

Questionnaires are useful in providing an organized and structured method for uncovering hidden problems or revealing workable solutions. They are information tools only. The auditor should make use of questionnaires. They provide responses to specific questions, provide comments from the users and they may reveal additional questions which address areas of additional concern.

Questionnaires should be structured to provide the following answers:

- Yes
- No
- Not Applicable (N/A)
- Not Answerable (–)

Because it is difficult to answer a question with a simple yes or no, space should be provided for comments. Each questionnaire should be tailored to the particular function or activity being studied. It should address the issues of organization, staffing and operations. The questionnaire represents the audit scope and objectives presented in the form of specific questions to be answered. The auditor is not limited by the questionnaire and should bring a full range of expertise into the audit. The questions should refer, as much as possible, to specific events that can be verified, counted or observed. The auditor's responsibility is to present factual information; it is not possible to base judgments on something that cannot be observed. (See the sample audit questionnaire, Figure VII-2, on page VII-11).

Figure VII-2

AUDIT QUESTIONNAIRE

ANYTOWN POLICE DEPARTMENT

DATE: _____

RECORDS BUREAU	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
POLICIES				
<p>1. A policy is a guide for carrying out action to achieve objectives. It is in effect until it is replaced or eliminated.</p> <p>a. Does the department have written policies?</p> <p>b. Are they organized in a manual?</p> <p>c. Are they up to date?</p> <p>d. Are they clearly written?</p>				
REPORT PREPARATION				
<p>2. Indicate the method by which police reports are usually prepared:</p> <p>a. Handwritten</p> <p>b. Typed by investigating officer</p> <p>c. Dictated and later typed by clerical employees</p> <p>d. Other - Complete comments</p> <p>3. Are reports usually prepared:</p> <p>a. In the field?</p> <p>b. Telephone to the station?</p> <p>c. At the station?</p>				
FACILITIES, EQUIPMENT & LAYOUT				
<p>4. Are working quarters adequate in term of:</p> <p>a. Space?</p> <p>b. Noise level?</p> <p>c. Lighting?</p> <p>d. Other?</p> <p>• Is equipment up to date and adequate to do the job?</p> <p>a. Efficiently?</p>				

Interviews

The interview is used to obtain information. It is an effective tool for gaining valuable insight into the operating procedures used by an agency, including effective and non-effective practices and employee motivation in performing tasks. The auditor should know the type of information desired and should be prepared to ask a number of direct questions. The employee(s) scheduled for interviews should be notified in advance of interview topics. They should also be told what, if any, reports, records, etc., should be brought to the interview.

In order to place the employee at ease, the interview should be conducted in an informal manner. The auditor should state the purpose of the audit and make sure the employee understands that the purpose of the audit is to seek information that may aid in the inspection and review. Direct questions should be asked. The auditor should clarify any areas which are in question. During the interview, the auditor should not make recommendations or valuational comments. The tone must be diplomatic and first focus on information gathering, then clarify any areas of confusion.

Examination of Documents

Depending on the extent of the audit, the examination of documents may be warranted. This may involve the checking of records to determine their accuracy, comparisons with other related papers, or the inspection of files and filing systems to determine if reports are easily accessible, filed in logical order and filed correctly.

The method for examining these files or documents is based upon the principles of work sampling and is conducted by drawing random samples of items. A sample is taken according to a predetermined or systematic proceeding, such as every fifth, tenth, or hundredth record. With a minimum of regular checking, an overall picture of the amount of work can be obtained, as well as any errors in the work performed. It should be noted, however, that if the purpose of a random sampling of files is to determine the completeness of a particular file, it may not be considered necessary to draw random samples. A one-month chronological sample of files may be acceptable and the auditor may assume that the completeness rate found in the sample file is representative of the error rate of the entire file.

Several important areas of a police records system which should receive routine inspections are:

- *Telephone/radio tapes* – Determine if dispatchers and/or receptionists are accurately documenting citizen requests for service by listening to a random sample of tapes. This includes properly dispatching units or taking telephone reports.

- *Dispatch/complaint control cards or logs* – Determine if, upon responding to a request for police service, the officer accurately documented the elements of the offense. This includes the proper issuance of case numbers and verification of complainant information. This can be accomplished by comparing the cards with the information documented on the police report.
- *Crime/offense report* – Determine the accuracy with which the crime/offense reports are prepared, reviewed, classified and scored for Uniform Crime Reporting. This includes comparisons with information on both the communications tapes and the complaint cards/logs.
- *Filing systems* – Determine if reports are easily accessible, properly prepared for filing and filed in logical order. A random sampling of reports will provide this information. Several key areas to be aware of when inspecting files include:
 - legible, accurate labels on all file drawers or folders,
 - absence of overcrowding (drawers and shelves should have at least three inches of free space),
 - use of “out” cards (which indicate the name of the person who has the document and the removal date),
 - use of a tickler file or other follow-up system for documents that are checked out,
 - conformity with the agency’s uniform filing system, and
 - existence of an up-to-date index system, when appropriate.
- *Data reporting* – Determine whether the agency’s procedures and practices for data reporting comply with legal requirements. Documents (booking registers, complaint assignment forms, fingerprint cards, disposition forms, etc.) should be examined and compared with records samples obtained from DOJ to determine whether the agency is reporting complete and accurate data. Compare the dates to determine if the data was reported promptly.
- *Forms design/control* – Determine whether all data-collection documents are properly designed so as to be easy to understand and complete. Determine if the forms are designed to eliminate

the possibility of entering inaccurate data or losing data.
Determine if proper controls are placed on both design and use.

- *Records dissemination* – Determine whether the agency disseminates any type of data outside of the agency. Determine if appropriate audit trails are maintained. Determine if records personnel understand the type of data which may be made available and to whom it may be released.
- *Physical records security* – Determine if all criminal records are physically located in a secure area. Determine if procedures are used to ensure that only authorized persons may enter the area. Determine if all records areas are adequately protected against fires, and if procedures exist for handling these emergencies. Determine if employees are properly trained or educated on security procedures.
- *Automated system requirements* – Determine if the computer system is protected against unauthorized access.

The system must use effective hardware and software designs to prevent unauthorized access. Determine if there is protection against unauthorized tampering. The system must use operational programs to ensure that data cannot be accessed, modified or changed by non-criminal justice terminals, and can only be purged or destroyed by specifically designated criminal justice terminals. Ensure that the operational programs are kept under maximum security conditions and available only to designated persons. The development of operating programs and procedures which ensure that criminal justice data is secure from non-criminal justice users is mandatory.

Other areas which may require periodic audits include:

- Data-entry procedures
- Department manuals
- Financial records
- Micrographics
- Personnel training
- Photocopying procedures

- Records retention
- Statistical record keeping
- Subpoena processes

It is important to ask the following basic questions that are relevant to all files and procedures:

- Why are we doing this?
- Is the procedure or file mandated by law?
- How is the file used, by whom, how often, for what purpose?
- What happens if the file or procedure is changed or deleted?
- Can the file or procedure be improved?
- Is the file or procedure mandated by agency policy/directive? If not, should it be?

FEATURES OF A RECORDS OPERATING SYSTEM

Reliability and efficiency form the basis for an effective operating system. Overall, the auditor should recount the key features of a good system:

- well-defined goals and objectives;
- reliable employees and established training programs;
- clear responsibility;
- separation of important duties;
- reliable, up-to-date records;
- compliance with rules, regulations, and instructions;
- regular management review and approval; and
- neat work area, designed for efficiency.

The weaknesses to look for in the operating system include:

- procedures which are ineffective,

- duplication of effort by employees or units,
- performance of work which serves little or no useful purpose,
- ineffective or un-economical use of equipment,
- overstaffing/understaffing in relation to the work to be performed, and
- wasteful use of resources.

COMPLIANCE AUDIT

The compliance audit is the examination of records or procedures to determine if certain legal requirements have been met. Although these audits are normally conducted through the use of questionnaires and interviews, their objective is to ensure compliance. Physical examination of files is warranted.

There are many areas which require compliance in the records area. They include:

- *CORI* – Examine agency directives/orders to determine if written regulations exist regarding the security of CORI which comply with state regulations (Code of Regulations Section 700-711), determine that designated employees are authorized to release CORI and that the agency maintains a record of each release of CORI (audit trails), and determine that the agency furnishes CORI pursuant to existing law. Auditors should refer to the most current “California Criminal Records Security Statutes and Regulations” publication, Department of Justice, for a complete listing of applicable laws. Also refer the Security of Information section of this manual.
- *Communications Logging Tapes* – Determine if a city/county resolution exists pertaining to the destruction of certain telephone and radio communications (34090.6 GC).
- *UCR/BCS Statistical Requirements* – Determine if the agency is submitting reports to DOJ (13020 PC). If the agency is experiencing problems in this area, it is recommended that an audit be conducted examining the reporting standards used to compile these statistics. Auditors should use the IACP/UCR Audit/Evaluation Manual to aid in this process.

- Mandated Reporting – Determine if the agency is submitting mandated reports (in a prescribed format) to DOJ pursuant to law. These reports include:

Vehicles

- Vehicles and Serialized Parts (stolen, lost, recovered) (11108 PC; 10500, 10551 VC)
- Notice of Stored Vehicle Reports (22853 VC)
- Traffic Accidents (20008(a) VC)

Firearms

- License to Carry Concealed Weapons Applications, Licenses/Renewals (12052, 12054 PC)
- Notification of Retention or Destruction of Firearm (12028, 12030 PC)
- Report of Mail-Order Purchase of Concealable Firearm (12079 PC)
- Gun Sellers (12071 PC)

Property

- Serialized Property (stolen, lost, found) (11108 PC)
- Non-Serialized Property (21634 B&P)
- Pawn/Buy Property (21208 FC)

Arrest Records

- Fingerprint Cards (13150 PC)
- Disposition of Arrest and Court Action (JUS 8715; 11115 PC)
- Release of Person Arrested and Released on 849b and Issuance of “Detention Only” Certificate (851.6 PC)
- Records Dismissed (1203.4, 1203.4(a) PC; 1772, 3200 WIC)

- Records Sealed (781 WIC; 851.7, 851.8, 1203.45 PC)
- Declaration of Factual Innocence (851.8 PC)
- Destruction of Marijuana Arrest Reports (11361.5(a) H&S (after 1/1/76), 11361.5(b) H&S (before 1/1/76))

Statistical Reports

- Return A
- Supplement to Return A
- Monthly Arrest and Citation Report (13020, 13010(a) PC)
- Juvenile Court and Probation Statistical Report (13020, 13010(a) PC; 285 WIC)
- Reports of Law Enforcement Killed or Injured (13020, 13010(a) PC)
- Arson Reports (13020, 13010(a) PC)
- Jail and Camp Population (annually) (13020, 13010(a) PC)
- Juvenile Detention Facility Report (13020, 13010(a) PC)
- Number of Full-Time Law Enforcement Personnel (annually) (13020, 13010(a) PC)
- Justifiable Homicide Reports (13022 PC)
- Probation Officer Reports (13020, 13010(a) PC; 285 WIC)
- Domestic Violence Report
- Violent Crimes Against Senior Citizens (Concurrent Senate Resolution #64)

Special Reports

- Crime Reports (11107 PC)
- Child Abuse (11166, 11169 PC)

- Registration Reports
 - Sex (290 PC)
 - Narcotic (11590 H&S)
 - Arson (457.1 PC)
- Secondhand Dealer
 - Application for License (21641 B&P)
 - License (21641, 21642 B&P)
 - Reports on Tangible Personal Property Acquired (21634 B&P)
- Death in Custody (12525 GC)
- Elder Abuse
- Bomb Reporting
- Hate Crimes

Documentation

Upon completion of the audit, the findings must be analyzed. Analysis of the data will identify any weaknesses in the reporting system and provide information necessary to take corrective action. The audit report should address observed problems and identify those steps necessary to make corrections. The information provided must be clear, concise and accurate.

The report itself should clearly state the scope of the auditor's examination. It should tell the reader what the auditor did and what he did not do; a brief description of the limitations placed on the audit. For example, the auditor may express an opinion on the control procedures used to ensure that reports are physically secured, but may wish to mention that the opinion expressed is not on the quality of the reports themselves.

The report should explain the standards used in measuring the function or activity. These standards may be based upon written policies and procedures, or based upon information provided by management or line personnel. The use of existing policies and procedures help establish the basis for the audit standards.

The report should identify the evidence upon which the auditor's opinion and conclusions were based. For example, citing reviews and tests will add credibility to the findings.

Finally, the auditor should review all drafts of the report with the supervisors and/or managers of the activities which were audited. This will ensure that the auditor has properly interpreted all the facts and has considered all factors involved in the operation being reviewed, and that technical terminology has been correctly translated.

Review The purpose of the audit is to identify any weaknesses in a system and to provide the information necessary to take corrective action.

The audit process involves the random sampling of reports, files or procedures beginning at the origin of the event and tracing the process to final disposition. The reports or processes are closely inspected to ensure completeness, accuracy and reliability. The inspection, audit findings and recommendations are then documented. They provide valuable information for improved performance.

NCIC MONTHLY VALIDATION

As part of the CLETS Subscriber Agreement with NCIC, each agency, on a monthly basis, is required to validate entries made by that agency as being complete, accurate and still active. Validation requires review of the original and subsequent supporting case documents. In some cases, it is necessary to contact the complainant/victim/prosecutor/court. Validation must be completed within 30 days of receipt of the listing by the agency.

Validation Procedure

- DOJ prints listings of selected records from each NCIC file (vehicles, boats, wanted persons, missing/unidentified persons, protection orders, guns and securities) which are 60-90 days old, and all records that were entered in that month in prior years, with the exception of the stolen vehicle/boat records. The vehicle/boat records (including stolen parts) are validated only when they are 60-90 days old with no annual validation of the records.
- DOJ mails the listing to the entering agency. The agency must acknowledge receipt of the listing by return mail or teletype.
- Gun, security, license plate, stolen vehicle/boat part and unidentified person entries must be verified against the original and subsequent supporting case documents to determine that the entry is complete, accurate and active.

- Stolen Vehicle/Boat, Wanted Persons and Missing Persons entries must be verified against the original and supporting case documents. The complainant, victim, prosecutor or court must be contacted to determine if the entry is complete, accurate and still active. Contact can be made by telephone, letter or in person. If the agency is unable to obtain a response from the complainant/victim, it must make a determination, based on the best information available, whether or not to retain the original entry.
- After validation of each entry on the NCIC listing, the agency must modify, cancel or clear records *as necessary* to ensure that the information maintained in the NCIC file is complete, accurate and active.
- After the validation is complete and the necessary modify, cancel and clear entries have been made, the signed certification letter must be returned to DOJ by the prescribed date. DOJ must certify for the whole state and notify NCIC of the results and, if necessary, furnish the names of agencies failing to certify their entries.

NCIC VALIDATION AUDIT

The Department of Justice will schedule your agency for regular audits of your NCIC validation procedures and training. An extensive pre-audit questionnaire will be mailed to your agency to complete and return to the DOJ, Data Base Audits Section. The questionnaire provides DOJ inspection personnel with important background information to be used as a guide for the audit. The purpose behind the audit is to assist you with identifying problems and to improve record systems, not to impose penalties or criticism.

CJIS/NCIC AUDITS

The Department of Justice and NCIC have established policies to ensure the integrity of their data bases. Records are audited at the agency. They are examined for supporting documentation, record-keeping procedures, accuracy, completeness, timely and current information and compliance with CJIS and NCIC standards. A comparison against the agency's master file is conducted on the Stolen Vehicle, Stolen Boat, Automated Firearms and Wanted Persons-Missing Persons systems. The audit reduces the risk of civil liability.

CORI AUDITS

The California Department of Justice is required by law to audit agencies which have access to criminal offender record information. This audit is based on a printout of requests for state CORI made by an agency. The printout lists the date and time each record was requested, the terminal at the agency where the request was entered and the criminal history number and the "routing data" entered when the CORI was requested. The DOJ, Audits and Record Security Section, obtains copies of the records and visits the agency to determine the official purpose for which the records were requested. If an agency properly uses the routing data field when the record is requested, the audit usually goes very well. The routing data field should contain enough information to assist the agency in locating the reason for the request. Good examples of tracking information would be the related case/report or incident number, the requesting officer's name, assignment and purpose for the request – for example, Jones, DB, 99-123 (Jones, detective bureau, Case No. 99-123) or Smith, 189, 99-136-001 (Smith, badge number, CAD incident number).

When the audit is completed, a letter is sent to the head of the agency describing the results of the audit, including a request for additional information or suggestions for improved control of CORI.

If misuse of CORI is determined during the audit, the head of the agency is informed and asked to notify the Audits and Record Security Section of the disposition of the incident. If the agency would like to conduct an internal audit, it may order a printout of the agency's requests from the Audits and Records Security Section.

Insert Tab #10

Automation of Records

VIII. AUTOMATION OF RECORDS

INTRODUCTION

Record keeping is the keystone for many critical law enforcement responsibilities. Maintaining a manual records system, which requires photocopying, distributing and filing the traditional handwritten or hand-typed reports, can be a significant bottleneck in any law enforcement operation. Most agencies decide to automate their records systems in order to reduce the bottlenecks and to increase the speed with which they can retrieve information.

When computers were first introduced into law enforcement, they were out of the financial reach of most medium- and small-sized agencies. The development of computers that are faster, have more storage capacity, and are lower in price has made automation more accessible. In addition, prepackaged automated records management systems designed specifically for the law enforcement environment are available from a variety of software companies. Today, many public safety and allied agencies have some type of automated records management system (RMS), usually a part of a computer-aided dispatch system (CAD).

Imaging

Document imaging is the next step in automating records. Once the reports are scanned into the imaging system, they are readily accessible for viewing or retrieval. An important asset is time that is saved for all department employees. The system is designed to electronically assign, distribute and track case reports to the investigative unit, thus eliminating the need for hard copy paper distribution. Imaging can be designed to work with an existing CAD system.

Here is an example of how an imaging system can work:

- The calls-for-service history is downloaded from the CAD system;
- Case information is created with the calls-for-service history information;
- Original reports, attachments, follow-ups, citations, booking sheets, etc. are indexed to the case, thus allowing immediate retrieval and viewing of the documents;
- Documents are electronically sent to the investigators;

- Detectives can enter their investigation activities and case close-out information to be automatically added to the system; and
- Case close-out information is electronically delivered to the Statistics and RMS units for entry.

As with any new system, you must evaluate what will work for your department. The future of the imaging system is to be used in conjunction with mobile data terminals (MDTs) in police vehicles. The information would be uploaded directly with a case report into the imaging system via the CAD/RMS through the mobile unit.

When choosing your imaging system, follow the guidelines in this section of the manual. Establish a committee to evaluate the system using actual users as well as technology experts. It is recommended that you assess "off-the-shelf" software and custom workflow products carefully to determine what will meet your department's needs.

An increasing number of agencies have incorporated an integrated document imaging system into their automated records systems. These systems allow agencies to automate images of reports, diagrams and photographs which are cross-referenced for easy retrieval within the generic "Name" file. This automation also archives inactive records.

MDTs linked to state and local data bases are easing the workload of communications system operators, and speeding the flow of want and warrant information directly to the field officer. The CAL ID system is speeding fingerprint analysis and identifying crime perpetrators from the millions of records stored in its data bases.

Technology is available today which will enable officers to write their reports on an MDT and electronically transmit it first to a supervisor for approval, and then directly to Records. The "paperless" report can then move to the district attorney's office and court dispositions can flow electronically to the Department of Justice, Criminal History Unit. This same technology will permit names of suspects, subjects, witnesses or victims, and locations to be indexed electronically from the officer writing the report. Today's technology will also allow insurance companies to dial into a police agency for copies of reports on something akin to a FAX and have all the billing done by the system. Automation has made great contributions to solving crime by linking crimes, physical evidence and method of operation, and providing other essential data to investigators.

Live Scan

The criminal Live Scan (LS) systems can also be interfaced with local RMS systems. By downloading the information from an RMS to the LS device, it is only necessary for the user to enter inmate descriptive data a single time. It is the intent of the Department of Justice to require all fingerprints, applicant or criminal, to be transmitted to them electronically within the next few years. The advantage to the law enforcement agencies is that this method of reporting greatly reduces the response time to place the charges on the RAP sheet or to clear the prospective employee through the background. The applicant and criminal LS machines must meet the certification process conducted by the Department of Justice.

Regional Systems (ARJIS)

The mobility of the criminal element throughout San Diego County created the need for a regional system. The Automated Regional Justice Information System (ARJIS) is a complex law enforcement computer system which contains information on crime cases, arrests, citations, field interviews, traffic accidents, fraudulent documents, and stolen property.

ARJIS contains regional information about incidents, persons, vehicles, locations and property that is shared among the majority of law enforcement agencies within San Diego County. The fact that the information is regional is the critical factor in the success of ARJIS as an investigative tool.

ARJIS is comprised of more than 300 computer programs and sub-modules running on a central mainframe. The system services a network of more than 659 computer terminals and printers throughout the 4,265 square miles of San Diego County. There are more than 7,000 authorized users generating approximately 27,000 update and inquiry transactions daily. The system is operational 23 hours per day, seven days a week.

Network Systems

When an agency chooses to move in the direction of a network system, the electronic communications multiply. Computers on a network can be connected throughout vehicles, a building, a county, a nation or the world. The network system carries a shared data base that can include images, security and archiving. Hardware devices, such as printers or fax machines, can also be shared. Electronic mail becomes the internal message system and can become the external link to the Internet, the World Wide Web and many other information sources. As workflow and work groups increase in efficiency, based on increased use of

automation, network technology will likely become an essential part of successful law enforcement work.

Need for Highly Skilled Staff

What does this mean to law enforcement professionals? It means extensive knowledge about technology is becoming mandatory. Most agencies will identify personnel to lead the way in technology decision-making. Records personnel must be included in planning, implementation and expansion of technology systems. Records personnel must continue to assure legal requirements are met by these electronic systems, especially regarding confidentiality, retention, statistical retrieval and meeting deadlines.

Automating a records system requires a capital expenditure for hardware and software. Depending upon the size of an agency, automating may require an increase in supervisory and/or management personnel, major changes in work flow and procedures, specific technical training for all personnel, increases in space requirements, temperature-controlled rooms and new staff with computer-specific technical skills.¹

Implementing and maintaining an automated records system requires staff trained in data entry, data quality control, and system development and maintenance. Using existing staff for these functions can be cost effective and provide the additional benefit to the agency of more versatile personnel. Unfortunately, this is not always possible and new technologically experienced staff may be needed for system trouble-shooting and maintenance. Any new hires should be provided with complete training on information confidentiality and security. Agencies will find that training all system users is the most important key to successful technology and automation.

More Supervisory and Management Staff

Supervisors usually oversee document analysis and data entry, direct quality control efforts, coordinate computer support and ensure compliance with state-mandated reporting requirements. More sophisticated systems, with diverse and specialized staffs, typically require increased supervisory and management resources. Agencies may find it necessary to hire technology experts for managing the information system.

Changes in Workflow and Procedures

Records management is a service operation that affects the way all organizational units function. Automation may create the need to revise procedures, timetables and methods for processing documents

and data. These changes require the cooperation of other units to support the new procedures and contribute to the success of the new system. New policies and procedures will have to be written to safeguard the security of the automated records system through the use of passwords and access codes. The confidentiality of local, state and federal data systems cannot be compromised.

When your agency is adding or changing technology that involves connection to the State CJIS system, you must conform to the *CLETS Policies, Practices and Procedures*. The section specifically involved is *Computer Interface Rules and Requirements* pertaining to security requirements (DOJ Info. Bulletin 95-26-BCIA.) This includes all computer systems such as message switching computers, CAD systems, RMS systems, management information systems and local/wide-area networks (LAN/WAN) connected directly or indirectly to CLETS.

Host systems must completely journal all transactions, retrievable for a minimum of one year. Each terminal must have a unique mnemonic address, including mobile data terminals. All messages must transmit a User-ID. Terminals connected to a LAN must also transmit the IP address and media access control (MAC) address. The User ID and physical hardware addresses will be recorded on CLETS journal tapes on incoming transactions only. Contact CLETS Administration for detailed information and coordination.

Technical Training

The records staff is not the only group that requires training to support the automated records function. *ALL USERS WILL REQUIRE TRAINING TO SOME DEGREE*. Resources and employee time must be allocated for system familiarization and start-up, and for periodic changes in formats, reporting requirements and refresher training. Companies offering off-the-shelf automated systems and those with customized systems usually offer training. Be sure to include training as part of the performance agreement in the contract negotiations.

Increased Space Requirements

One common justification for an automated records system is that filing space will be reduced. While this may be true, it is important to remember that a computer system has its own space requirements. Areas are needed for storing documents awaiting processing, computer hardware (including remote, desktop terminals) and additional staff. The "computer room" oftentimes has specific temperature, power and noise-suppression requirements.² These factors must be addressed when systems are purchased or upgraded.

REVIEWING AND EVALUATING THE AGENCY'S TECHNOLOGY FUTURE

While computers have revolutionized the way law enforcement processes information, the cost of automation is an expensive process which requires careful and deliberate analysis of the systems which will most benefit an agency's performance. A decision to automate must include consideration of a variety of issues. A thorough study of the records system should be conducted, with the participation and input of representatives of the various sections within the agency who will use the system.

For automation to be successful, it cannot simply computerize existing, but weak, processes. The first step is to review and evaluate the manual records system. The paperwork flow must be examined and streamlined. Duplicate processes or unnecessary routings must be eliminated. Some agencies assume, incorrectly, that automation is the only way to increase the use of information. Efficiency must first be realized within the manual records system. The successful automated system must be designed around a sound manual records system.

Law enforcement operations depend on information that is reliable, accurate, complete and timely. An automated system, alone, cannot correct all of the problems and deficiencies of a poorly designed manual information system. Often automation does not produce immediate cost savings or require fewer personnel. Automation of an efficient system, however, will provide more subtle changes by speeding information flow and retrieval of documents. The successful system will allow existing staff to handle work increases more efficiently.

The System Audit Procedures section of this manual provides a methodology for assessing a manual records system. Before proceeding with a feasibility study on automation, an audit of the manual system should be completed and the deficiencies corrected.

CONDUCTING A FEASIBILITY STUDY

After a comprehensive audit of the manual records system and correction of problems within the system, the next step is to conduct a feasibility study on computerization. A feasibility study should also be completed if the agency is considering new or different technology. This study process includes the following 11 steps:³

1. form a Feasibility Study Group and Steering Committee,
2. develop a feasibility study plan,
3. build support for the project,
4. select a systems analyst,
5. define objectives of a desired information system,

6. determine present system capabilities and resources,
7. analyze needs,
8. determine resource requirements,
9. assess procurement options (if appropriate),
10. identify the desired system, and
11. prepare a report to management including a cost benefit analysis option.

Forming a Feasibility Study Group and Steering Committee

A Feasibility Study Group should be established to conduct the feasibility study. The Administrative Services Division manager should serve as the chairperson. It is very important that this group include representatives of affected units and ranks within the agency. A typical study group may be comprised of the following:

Chairperson

Administrative Services Division Manager

Group Members

Lieutenant	Representing sworn managers
Sergeant	Representing sworn supervisors
Records/Comm.	
Supervisor	Representing non-sworn supervisors
Patrol Officer	Representing patrol division
Investigator	Representing investigations division
Records Clerk	Representing records line staff
Dispatcher	Representing communications

Group members should be chosen for their interest in the project and knowledge of the records system, resources, user information needs, problem areas and constraints. "The importance of a representative group cannot be underestimated. Information systems may be made or broken at the user level. Users are responsible for the integrity of system input and for the smooth, cooperative daily operation of the records system, and are an invaluable source of information regarding...conditions which could impact many processing steps... A productive...group can result in important contributions to the... development of an information system." ⁴

To ensure executive staff participation, an overall policy board should be established to review and comment on the products prepared by the Feasibility Study Group. This policy board may be identified as the

Steering Committee. Its members should consist of the agency administrator, all division heads and one mid-manager at-large.

Development of Feasibility Study Plan

One of the first tasks of the Feasibility Study Group is to reach agreement on the purpose of the study and develop a basic plan for carrying out the project. The plan should include:

- an outline of major steps to be followed in conducting the study,
- a proposed time frame, including number of meetings planned per month, and
- a budget estimate of personnel costs and incidentals for the projects.

Upon completion, the plan and proposed budget should be presented to the Steering Committee for approval.

Building Support for the Study

Given the limited resources available for extensive studies and the potential cost of hardware and software, a proposal for the expenditure of funds for a study must receive support from the city/county administrator. It is important to gain the early approval and cooperation of the city/county chief executive officer for the study project. Should the agency determine that automation is an appropriate means to improve operations, the early support for the project ideas will prove beneficial to the agency.

The feasibility study proposal should be presented in a manner that emphasizes careful assessment and pre-planning to prevent unnecessary expenditures of funds. A two-pronged approach, using informal and formal lines of communication, should be considered to build support for the study.

Formal lines of communication include official memoranda that specifically describe the study. For example, the proposal may state: "The purpose of the feasibility study is to examine the concept of automating XYZ agency's information system. The scope of the study is to: 1) determine present system capabilities and resources, 2) analyze information needs, 3) determine resource requirements, 4) identify transferrable software if automation is deemed appropriate, and 5) identify potential funding sources from corporate, business, social and government organizations."

To avoid misunderstandings and disapproval of the study, fiscal issues should be relegated to follow-up memoranda and discussions. It is

important that the conceptual plan, as agreed upon by the agency's management team, be a viable plan as far as the city or county administrator is concerned. The agency administrator may wish to stress that the agency will share its experiences with other law enforcement agencies within the jurisdiction so that they do not have to "reinvent the wheel." Placed in proper perspective, this may be a powerful selling point for the study.

Selection of a Systems Analyst

Once approval has been given to proceed with the feasibility study, a systems analyst should be selected. The role of the systems analyst is to ensure that a logical, comprehensive and thorough plan is the basis for the needs analysis and system design. The analyst may be an agency employee or an outside consultant chosen on the basis of the ability to work with the Feasibility Study Group, communicate well and generate ideas for system development, and their knowledge of criminal justice records systems. The analyst should be accountable to the Feasibility Study Group.

System Objectives

With preliminary planning for the feasibility study completed, the systems analyst and Feasibility Study Group should meet to assess, in concrete terms, the objectives of a good information system.

DETERMINE SYSTEM OBJECTIVES

What are the perceived benefits?

- Tools necessary:
 - scanning
 - compression software
 - OCR/ICR
 - indexing
 - display
 - processing
 - storage
- Increase productivity to:
 - reduce staff, or
 - perform work with the same staff
- Decrease process time
- Accelerate revenue streams
- Save space

- Increase service to the public:
 - easier and remote public access
 - integration with other systems
- Cross geo-political boundaries

Other consideration should be given to:

- identifying all users of the agency's information system;
- cataloging user needs and the various ways information is utilized (for crime analysis, statistics, research, etc.);
- email;
- workflow software;
- reporting requirements; management, supervision, etc.;
- system back-up requirements;
- annotation;
- complicating factors; mixed objects and integration with legacy system; and
- identifying external constraints on the system (privacy and security regulations, purging requirements, etc.).

Simply stated, this process should result in a list of desired outcomes that the information system should provide.

Vendor qualifications should also be defined. The committee should review vendor financial strength/stability and the length of time the vendor has operated in the business. In addition, the committee should examine the vendor's technical qualifications to ascertain whether or not the vendor is versed in the latest systems operations. Lastly, the vendor's management strength should be examined and a list of references obtained.

We strongly encourage any agency considering a particular automated records management system which includes CAD to visit agencies which have installed the system. On-site discussions of the pros and cons of an automated system with the end users is more informative than the vendor's sales pitch. Automated law enforcement records

system technology is changing constantly and most RMS systems' software and hardware producers are updating and improving existing technology with relational data bases and graphical systems that are faster and easier to use. It is important to review the types of problems an agency has encountered since installation of an automated system, and discuss the vendor's responsiveness in resolving any technical difficulties.

Determining Present System Capabilities and Resources

Once user needs have been established and external constraints have been identified, it is necessary to determine the capability of the present system to deliver the type and quality of service required.

System capabilities can be determined by:

- Interviews

Interviews should be conducted at the clerical level with report processors and distributors to obtain detailed information about operation of the system. Data from the interviews must be carefully recorded, collated and analyzed.

- Questionnaires

- Observations of the System

The flow of paper from input to output should be traced and documented in detail. This process will allow the systems analyst to identify each step in the process and the cost of each function. This review often reveals opportunities for simplification, consolidation or elimination of some data being collected.

A series of flowcharts should be developed to describe the current system, including the sequence of operations, tasks performed and the movement of documents within the agency and between other criminal justice agencies.

Copies of all forms used in the system should be obtained together with information regarding their use. Each document should be evaluated as to its content and utility.

Finally, all system directives which relate to the records function should be identified. They should be analyzed to determine whether they address all aspects of the system, if there are any conflicting or redundant instructions and how they are currently applied.

Analyzing Needs

Once the desired outcomes and current system capabilities and resources have been identified, present and future needs can be described. By comparing system objectives and existing capabilities, the following determinations can be made:

- Which existing functions could be replaced?

If implementation of a desired objective would eliminate all or part of an existing procedure, there will be an increase in system capabilities in proportion to the displaced service. For example, automating the UCR function eliminates the need for manual daily tallies and monthly recaps, and allows direct electronic transmission to state data base terminals, thereby saving considerable clerical time, paper and mailing costs. A report that used to take six to eight hours to process by hand may take only five minutes with an automated system.

- Which existing functions could be modified and made more effective?
- How can existing resources be better utilized; what additional resources are required to attain the stated objectives?
- Which resource (lack of personnel, lack of equipment, etc.) is the major constraint in attaining each of the stated objectives?
- Consideration of legal processes mandated for automated systems. Refer to the legal requirements discussed on page III-18 of the Security of Information section of this manual.

To help clarify system needs, two types of needs assessment charts should be produced: 1) a priority listing of all proposed system objectives, listed in order of priority from highest to lowest; and 2) a listing of all proposed objectives by capabilities.

The lists should begin with those objectives that can be accomplished with present resources. The remaining objectives should be listed in order, from minimum to maximum, according to the degree of additional resources required for their attainment.

Objectives mandated by law must be incorporated within both charts. The charts will greatly assist in the formulation of a comprehensive picture of the needs assessment results and can be used to make decisions regarding the agency's priorities and resources.

Determining Resource Requirements

Each objective identified in the feasibility study should be analyzed to determine the resources required to achieve the objective. While two or more objectives or applications may be related, each may have its own unique resource requirements. The resources required to achieve the objective may include operating staff for the system, equipment, facilities and supplies.

Specific costs for resources will generally fall into two categories: "variable costs," which react proportionally to volume changes in the workload (such as the number of calls for service), and "fixed costs," which are more stable and usually respond only to significant changes in workload volume over a long period of time.

Variable costs to consider include:

- **Staff**

The cost is based on the total annual productive hours necessary per application multiplied by the average hourly rate, including fringe benefits.

The study must include an estimate of personnel requirements, and related costs associated with operation of the system on a 24-hour basis, 7 day per week.

- **Supervision**

If workload requires more than three clerical positions, a supervisor's salary should be considered.

- Forms and Documents

The cost for each specific application and additional costs for new objectives or modifications to current procedures must be determined.

- Data Storage

Cost could be file cabinet space, computer storage or an integrated document imaging system to maintain information on line.

Fixed costs can include:

- Administration

Management personnel time and related costs necessary to accomplish each objective. Also included are the costs of specific operational personnel necessary for each task.

- Training

Cost of training staff on new procedures, forms and hardware. If training will be required for several new applications, costs of personnel time and training may be divided among them. This cost might be negotiated into the purchase contract.

- Travel

Cost of any trips necessary for the implementation or transfer of new applications.

- Office Equipment and Supplies

Initial cost of supplies and all equipment required for implementation of any objective.

- Hardware and Software

Costs associated with procurement of data processing equipment and software.

- Terminals and Lines

Costs for installation and purchase/lease of work stations, printers and/or communication lines.

- Contractual Expenses

Any contractual costs associated with the feasibility study, software modification or design, and system transfer or forms design, which will occur as the direct result of the implementation of any objective.

Three important costing concepts should be considered when assessing resource requirements:

- Cost Avoidance

Occurs when a new application or system results in enhanced productivity or efficiency without an increase in current personnel or equipment.

- Cost Displacement

Occurs when a current expenditure for equipment, office space or personnel will no longer be required as a result of implementing a new program or application.

- Value Added

Placement of a dollar value on less-tangible benefits typically associated with improvements in service delivery, crime analysis, forecasting, etc., which may occur as a result of a new application or system.

**Ranking
Objectives**

Objectives should now be ordered in rank of priority on the basis of the agency's needs. Needs can be grouped into four categories:

- Required

Where federal, state or local regulations require a new service or modification to an existing service, or offer automated submission of required reporting data.

- Critical

Where inadequate procedures or lack of automation is a serious detriment to the efficient functioning of the department.

- Significant

Where development of a new, or modification of an existing, application would produce significant improvement in the agency's functional capabilities.

- Desirable

Where the availability of automation or modification of an existing service would result in an improvement, but lack of implementation would not seriously affect the agency's overall operation.

Assessing Procurement Options

Consider the following when evaluating a system which will automate a process:

- Capacity – Will the system be large enough to handle projected workloads, and will the system allow for expansion?
- Access/performance – Will the system service the number of users adequately, and does it retrieve or store documents as quickly as promised?
- Reliability – What components are likely to fail, how easily can they be replaced, and what will be the down time and the replacement costs?
- Support – Is there adequate after-sales support and prompt technical response available?

Once the agency's needs have been analyzed and resource requirements determined, it is necessary to consider what services or equipment should be procured and the estimated costs involved.

If the decision is made to acquire or add an automated system, it is suggested that the agency use the services of a consulting group. The consultants can work with the in-house advisory committee to conduct an assessment of procurement options.

While a consultant may appear to be an unnecessary expense, experienced consulting services are usually a sound investment because an agency considering a computer system for the first time may lack the in-house expertise to conduct a comprehensive evaluation of procurement options.

As an alternative to a private consultant, the agency may obtain procurement assistance from a local data processing department, purchasing department, or other law enforcement agencies that have recently acquired automated records management systems, CAD systems, MDTs or integrated document imaging systems.

The acquisition of a computer system should begin with the identification of software systems that meet the needs of the agency. The most successful and efficient process identifies software first, and hardware second.

Custom-designed programs are costly and often have a longer start-up time and much higher cost than a packaged system. Maintenance of a custom system may also run considerably higher because of the need to call technicians in to diagnose and repair system glitches or failures. Look at several different systems and meet with representatives from other law enforcement agencies that are using software the agency may be interested in acquiring.

Do not rely solely on the statements of vendors concerning the capabilities of a specific system. Look at the user's manuals provided with the system. Can they be easily understood? Determine what support (training on use of the system, maintenance contract, etc.) is provided by the vendor.

Finally, keep in mind that even "off-the-shelf" software usually requires some "customizing" for specific agency use. Be sure to identify the potential programming costs associated with any software modifications.

Once software has been identified that meets the needs of the agency, it is appropriate to identify the various computers available that will operate the software the agency may acquire. A consulting group can be of great assistance in determining the costs and advantages/disadvantages associated with acquiring a dedicated, shared or leased system.

Determining the Best System

The agency should now have sufficient information to determine the best system alternative. The Systems Analyst and advisory committee/Feasibility Study Group should reduce alternatives to two or three of the best which most closely meet the needs of the department, are technically feasible and financially attractive. The group should reach consensus on the best system that will be recommended for purchase.

Reporting to Management

A complete report of the entire feasibility study should be prepared for presentation to the agency administrator. The report should include:

- scope of the feasibility study,
- a discussion of the needs assessment process and results,
- advantages and disadvantages of alternatives recommended, and
- recommendation of the best system.

The agency administrator must decide whether to accept the recommendation and proceed with the acquisition and implementation of a new system. Due to the complexity of the issues and potential costs involved, an oral presentation by the System Analyst, in the presence of the user's group, to the Steering Committee is recommended. This process will allow questions to be asked, further information to be obtained and political considerations reviewed.

Contract Negotiations

Most cities and counties that are finalizing their plans for automation of their manual systems will have researched the market extensively in order to acquaint themselves with the variety of technology that is available. Often a decision is made to accept open bids for the project, or in some cases an RFP (request for proposal) is extended for companies who wish to suggest the technology that will be required to accomplish the automation. Regardless of the method used to attract vendors, the purchase of a new records management system will require negotiation of a detailed contract with the selected vendor.

Agencies must obtain every detail of the proposed project in writing. A sampling of considerations that must be included are:

- an outline of the vendor's responsibilities to manage the project;
- type of equipment to be installed;
- conformance with state and federal regulations or standards;
- total cost of the installation;
- length of time to install the equipment;

- time required to convert hard files and data files to the new system;
- set-up time to accomplish programming, testing and debugging;
- security protection systems installed to protect sensitive documents;
- conditions for acceptance of the equipment by the agency;
- ongoing technical service and maintenance that will be provided;
- the term limit of upgrades and source code access;
- warranties on the equipment installed; and
- training provided for employees who will use the system.

Protecting Your Computer System Files and Resources

Once you have decided upon a system and begin the transition from a manual system to an automated system, it is important to develop routine back-up procedures for records management systems information. Have a policy in place which provides back-up procedures and an alternate secure location to store back-up disks off-site. Identify the critical systems that you will need to operate if a disaster were to occur. Communications and dispatch are critical to coordination of recovery efforts and coordination of response, but booking records and access to automated state and federal automation systems could be critical to ongoing efforts to restore order.

Consider the problems that could occur through failure of the automated system caused by:

- power outages;
- hardware or software failures;
- natural disasters such as earthquakes, floods or fires;
- terrorist acts such as bombings; or
- intentional sabotage of the system caused by viruses, network hacking, bootleg software or a disgruntled employee.

Back-up power generators should be tested and maintained as often as possible. Adequate fire detection equipment and suppression equipment should be available. Temperature and humidity monitors should be in place and checked regularly.

While automation is the key to the future of law enforcement records management, make sure there is a manual back-up procedure that can be put back into operation and allow the agency to continue to operate when any one of the above occurrences puts the automated system out of operation.

CONCLUSION

Automation may provide benefits and savings to a law enforcement agency by reducing clerical time, simplifying report storage and data retrieval, expanding the availability of information, facilitating access to other data bases and avoiding future costs for expansion of the records system. These benefits may be lost if computer acquisition is not properly planned.

Deliberate planning of the feasibility study, assessment of user's needs and determination of resource requirements, accompanied by careful consideration of alternatives for improving the agency's records system, will help to ensure that the decision to automate is a sound one.

An important component in a warranty agreement is to ensure that the vendor has the ownership of the software installed. A thorough maintenance and training contract obtained from the vendor who installed the system will assure that the agency has ongoing technical support and maintenance to keep the system operating at full capacity.

Ongoing training efforts will assure the staff are equipped to handle the most complex and the most routine tasks associated with the new system. Furthermore, these efforts will serve to ensure that automating the records system is a successful endeavor.

¹ Bonnie Canning, "Six Drawbacks to Putting Records On-Line," *Administrative Management*, May 1986, pp. 20-21.

² Ibid., pp 2-21.

³ For a comprehensive treatment of this topic, see National Clearinghouse for Criminal Justice Information Systems, *System Development Guidelines* (Sacramento, CA, October 1979). The feasibility study process outlined is primarily based on the systems investigation and analysis information taken from this source.

⁴ Ibid., pp. 1-20.

Insert Tab #11

Training Records Personnel

IX. TRAINING RECORDS PERSONNEL

INTRODUCTION

POST has made available basic and supervisory records management courses to familiarize personnel assigned to this function with records procedures. Most law enforcement agencies require additional on-site training of all newly hired or promoted employees to familiarize them with their duties and responsibilities.

This chapter provides records supervisors with guidelines and support information for training new personnel in the agency's records procedures. The challenge is to provide this training methodically so that each employee hears the same information and has the policy or procedure explained and required tasks demonstrated. The employees, in turn, can demonstrate their understanding by responding to questions or performing records tasks accurately.

The drawback for most agencies is that training of new personnel requires setting aside specific time periods to convey information about the agency and the job responsibilities. Persons assigned to the records section of a law enforcement agency quickly learn that the tasks are numerous and standards require accuracy and competency. Too often newly hired employees are given very basic information and must learn the tasks on the fly or by their own initiative because a formal training program does not exist. Employees placed in this position may, based on their own initiative, learn quickly or may leave the agency in frustration. Each new employee deserves a fair and equal chance to be successful at the job they have been hired to perform.

Training from agency to agency may vary; however, most persons will agree that the sensitivity of records and the number of areas which must be covered require documentation of the learning process. Experience tells us that for a new employee to function efficiently as quickly as possible, it is essential to avoid any gaps in the training process and to confirm the communication of the appropriate information.

The trainer is the most vital link in any successful training program. Studies have shown that the trainer's expectations will affect the outcome and success of the results even more than the basic abilities of the trainee. If the trainer expects failure, the trainee will fail. A good trainer is patient, reinforcing, positive and a confidence builder.

Designing the Training Program

POST developed the following materials in this chapter in cooperation with practicing records professionals on the CLEARs training committee. The training guidelines in this chapter have been provided in a training checklist format which should be applicable to most criminal justice agencies. Records supervisors can modify this format to fit their agency's needs.

Customizing the training checklist to fit your agency's needs will assure that all employees trained will receive the same information on how your agency processes records. Training presentations should be short, simple and focused on a specific topical area of records. It is unwise to try to cover too many areas or procedures at one time. Assign materials for employees to read which will help them learn more about the topic you are covering. Provide continuous and positive feedback on their performance. Constructive and patient explanation will be more beneficial than criticism. If an employee fails to understand a process, it is time to review it and provide a written, step-by-step procedure for reference. Show the employee where the records bureau manuals, policies and procedures are located. Whenever appropriate, identify the chapter and page in the correct book or manual.

The checklist has been designed so that the supervisor or trainee can demonstrate a procedure or present materials to a trainee and then initial the form to indicate that this information has been conveyed. A second column on the checklist provides a place to write the date the employee demonstrates the knowledge or ability of a particular subject matter. A third column provides a place to write the date proficiency has been achieved by the trainee and has been tested by the trainer.

The checklist format follows the subject order of the chapters in the POST *Law Enforcement Records Management Guide*. Where appropriate, the POST *Law Enforcement Records Management Guide* chapter and page are referenced. We encourage you to make available to new employees a copy of this publication, along with copies of your agency's records policies to assist them as reference guides. We also believe it is important to train your new employee/trainee on your agency's purge and retention policies and procedures.

Testing for Knowledge and Understanding

Another addition to this chapter which records supervisors and managers may find very useful is a series of tests which may be administered to new employees as they move through the training process. The tests have been numbered and follow the same order as the training checklist. They provide the trainer with a true measure of

feedback as to whether the employee is retaining the information presented in the training program. These tests also provide the records supervisor with a document which confirms the lack of retention when an employee is performing poorly and may require remediation. The tests can be customized to fit your agency's procedures and records systems.

Records Training Checklist

[illegible]

Records Training Checklist

[illegible]

ORIENTATION SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date _____

Date Tested

Test Score

Records Training Checklist

Office Equipment	Initials and Date		
	(Trainer)	(Trainee)	(Trainer)
	Task/Material Demonstrated by Trainer	Knowledge/Ability Demonstrated by Trainee	Proficiency Achieved
Office Equipment			
Telephone System			
Recording/Logging System			
Telecommunications Devices for the Deaf (TDD)			
Copy Machines			
Fax Machines			
Shredder			
Computers			
CLETS Terminal			
CAL-ID/Live Scan (II-29, VIII-3)			
Mugshot System			
CAD (Computer-Aided Dispatch) (I-2)			
RMS (Records Management System) (I-2)			
Local City/County Network (VIII-3)			
Document Management/Imaging Systems (VIII-1)			
Scanners			
Laptops (Personal Computers)			
Desktops (Personal Computers)			
Automated Field Report Systems			
G.R.E.A.T. System			
Internet			
Other			
Typewriters			
Printers			
Alarm Systems			
Cash Register			
Microfiche/Microfilm Readers, Cameras, Printers			
Generator			
Circuit Breakers			
Uninterrupted Power Supply (UPS)			
Transcription Devices			
Equipment Service Contracts			

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OFFICE EQUIPMENT SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date _____

Date Tested

Test Score

Records Training Checklist

Primary Report System	Initials and Date		
	(Trainer)	(Trainee)	(Trainer)
	Task/Material Demonstrated by Trainer	Knowledge/Ability Demonstrated by Trainee	Proficiency Achieved
Receiving Reports			
Writing Police Reports (Counter & Telephonic)			
Report Review (I-21)			
Logging Incoming Reports			
Manual Systems			
Automated Systems			
Processing Reports (I-21)			
Crime Reports			
Arrest Reports			
Complaint Processing (I-27)			
Juvenile Arrests/Petitions			
Adult Arrests			
JUS 8715 Processing/Arrest Disposition Report (II-13)			
Traffic Collision Reports			
Incident Reports (I-15)			
Citations (II-4)			
Traffic Citations			
Parking Citations (II-4)			
Cite & Release Processing			
Warrant Citations			
Misdemeanor Citations			
Detention Certificates (II-10)			
Towed/Stored Vehicles (CHP 180) (II-82)			
Found/Safekeeping Property Reports (II-41)			
Restraining Orders (EPO) (II-72)			
Data Entry & Update			
Local Criminal History			
RMS (I-2)			
Filing (I-31)			
Warrants (II-85)			
Distribution of Reports (I-25)			
Special files (Restitution, Risk Management, Marijuana, etc.) (I-32)			
ABC Notification (II-1)			
Elder Abuse (II-16)			
Child Abuse Report Requirements (II-1)			
Request for Re-examination of Driver			

PRIMARY REPORT SYSTEM SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date

Date Tested

Test Score

Records Training Checklist

Secondary Report System	Initials and Date		
	(Trainer)	(Trainee)	(Trainer)
	Task/Material Demonstrated by Trainer	Knowledge/Ability Demonstrated by Trainee	Proficiency Achieved
Stored Vehicle Notifications (II-82)			
Court Orders to Seal & Destroy (II-42)			
Field Interviews (II-25)			
Sex/Arson/Drug/Gang Registrants (II-51, V-27)			
Vehicle Releases (V-27)			
Permits & Licenses (V-27)			
Citation Sign-offs			
Cost Recovery			
False Alarms			
DUI			
Booking Fee Reimbursement			
Repeat Disturbance Response Reimbursement (Parties)			
Excessive Calls Reimbursement			
Fingerprinting Service (Applicant, Personal ID)			
Repossession Fees			
Voluntary Gun Registration			
Other			
Subpoenas			
Officer/Employee (II-70)			
SDT (II-64)			
Disposition			
Hit Confirmation (10-minute response)			
Processing Warrants (E-1)			
Confiscating Drivers License			
Clearance Letters			
Proof of Booking (Fingerprints/Photo)			
Dealers Record of Sale (II-24, V-26)			
Pawns, Consignments, Buys - Data Entry (V-27)			
Warrant Processing System (II-85)			
Abstracting Warrants			
Due Diligence			
Jail Records (II-33)			
Live Scan (II-29)			
Parking Appeals (II-6)			
Coroner Reports (II-8)			
Missing Persons (II-34)			
Bomb Reports (II-63)			

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SECONDARY REPORT SYSTEM SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date

Date Tested

Test Score

Records Training Checklist

Security of Information	Initials and Date		
	(Trainer)	(Trainee)	(Trainer)
	Task/Material Demonstrated by Trainer	Knowledge/Ability Demonstrated by Trainee	Proficiency Achieved
Confidentiality			
Public Records Act (III-2)			
Need to Know/Right to Know Concept (III-1, 22)			
CLETS Overview (III-17)			
Certification			
Criminal Offender Record Information (CORI) (III-17)			
DOJ Application Process/Review of Records			
Documentation of Inquiry/Access to CORI (III-18)			
Local Criminal History/Review of Records (III-18)			
Juvenile Records - TNG Orders (III-15)			
Confidential Informants (X. B-4)			
Pitchess Motions (X. B-6)			
148.5 PC - Identification Verification/Corrections			
Releasing Reports/Information			
Refer to Department Policy on Release of Information			
Outside Agency Requests			
Authorized Agency List (X. C-3)			
Discovery Orders			
Subpoena Duces Tecum (X. D-3, II-64)			
Accepting/Processing Criminal Subpoenas (X. D-3, II-72)			
Accepting/Processing Civil Subpoenas (II-70)			
Background/Employment Checks			
Accident Reports (III-15)			
Licensing/Permit Files (III-27)			
Registrant Files (290 PC, 457.1 PC, & 11590 WIC) (III-27)			
Citations (III-27)			
DMV Records (III-28)			
Warrants (III-27)			
Calls for Service (III-2)			
Arrested Persons Log/Information (III-3)			
Crime Reports (III-3, X. B-3)			
Redacted Copies of Crime Reports			
Documenting the Release of Information			
Fee Schedule for Copies of Reports/Information (III-9)			
Megan's Law CD-ROM Access to the Public			
Press Logs			
Controlled Document (III-5, 6)			

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SECURITY OF INFORMATION SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature _____

Trainer's Signature _____

Date _____

Date Tested _____

Test Score _____

Records Training Checklist

[illegible]

STATISTICS SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date _____

Date Tested

Test Score

Records Training Checklist

[illegible]

RETENTION & DESTRUCTION SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date _____

Date Tested

Test Score

Records Training Checklist

[illegible]

SYSTEM AUDITS SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date _____

Date Tested

Test Score

Records Training Checklist

[illegible]

AUXILIARY FUNCTIONS SECTION COMPLETED/PROFICIENCY ACHIEVED:

Trainee's Signature

Trainer's Signature

Date _____

Date Tested

Test Score

Orientation - Test 1

1. What directions would you give a citizen at the front counter if they needed to speak to someone in the building department?

2. Explain the procedure for calling in sick.

3. How is overtime noted on your time card?

4. Your stepmother passed away. Would you be entitled to bereavement leave, and if so, for how long?

5. To whom does the chief executive of your department report?

6. The Records Bureau falls under what division?

7. Who is the chief executive of this department?

8. You have a complaint about a co-worker. To whom would you report it?

9. What union, if any, do you belong to?

10. What is a Memorandum of Understanding?
-
-
11. Where would you look to find information on appropriate office attire?
-
-
12. You lost your department identification card. What should you do?
-
-
13. You just changed your phone number. What forms need to be changed?
-
-
14. Is it O.K. to wear your sandals to work?
-
-
15. An employee is making rude/sexual remarks about a co-worker. Would you report it and, if so, to whom?
-
-
16. A citizen at the front counter demands to speak to the person in charge. Your supervisor is out of the office. To whom would you refer them?
-
-
17. A co-worker is telling jokes that you find offensive. Is this a violation of any department policy?
- ☐ Yes ☐ No
18. A friend of one of your co-workers calls for their home phone number. Can you give it out?
- ☐ Yes ☐ No
19. Does seniority have any effect on vacation requests?
- ☐ Yes ☐ No
20. Where are the public restrooms located?
-

Office Equipment - Test 2

1. How do you transfer a call received in Records to another bureau or division?

2. What steps are taken to assure that all money taken in is accounted for?

3. Where is the TDD (Telecommunications Device for the Deaf) located?

4. Whom do you call to repair the fax machine?

5. Your computer is making a grinding noise. What should you do?

6. Where is the toner stored for the copy machine?

7. List the steps required to access the department's Records Management System.

8. Whom do you call when CLETS goes down?

9. What do you do when the building fire alarm goes off?

10. Where are the circuit breakers for records located?

11. How do you add paper to the copy machine?

12. Where are the equipment service contracts located?

13. Whom do you need to notify if the department's CLETS terminal will be down for an extended period of time?

14. List the steps for changing the toner in the computer printers.

15. What would you do if the generator fails in a power outage?

16. Who is responsible for adding new software to your computer?

17. How do you clear a paper jam in the fax machine?

18. Where do we send printers for repair?

19. Who is responsible for repair of the department telephone system?

Primary Report System - Test 3

1. Incoming reports are received from what sources?

2. Records personnel are authorized to write reports only for what types of crimes:

3. Describe how you account for receipt of all reports:

4. List two in-house recipients of (no suspect) burglary reports:

a) _____

b) _____

5. Juvenile arrest reports are sent to:

6. The California Highway Patrol receives copies of all Traffic Collision reports:

☐ True ☐ False

7. Traffic Collision reports are considered confidential, releasable only to the parties involved and/or their representatives:

☐ True ☐ False

8. Describe the processing required for traffic citations:

9. Are *Incident Reports* sent to anyone outside the usual distribution list?

☐ Yes ☐ No

If so, to whom?

10. Restraining orders must be accepted from any entity regardless of plaintiff address:

☐ True ☐ False

11. Restraining orders must be entered into CLETS regardless of plaintiff address:

☐ True ☐ False

12. Name the various computer systems requiring some sort of potential data entry from crime/arrest reports:

13. Describe the filing process:

Secondary Report System - Test 4

1. Stored vehicle notifications must be sent within what time limit?
 - ☐ 48 hrs
 - ☐ 24 hrs
 - ☐ 72 hrs
 - ☐ None of the above
2. If notification of stored vehicle is unsuccessful, which agency must be notified?
 - ☐ DMV
 - ☐ NICB
 - ☐ DOJ
 - ☐ CHP
3. Hit confirmations require a response within how many minutes?
 - ☐ 20 minutes
 - ☐ 15 minutes
 - ☐ 5 minutes
 - ☐ 10 minutes
4. Clearance letters are for the following purposes only:
 - ☐ Passport and Identification
 - ☐ Passport, Visa and Identification
 - ☐ Agency endorsement of the individual
 - ☐ All of the above
5. Confiscated drivers licenses are sent to:
 - ☐ DOJ - Records Security
 - ☐ DMV
 - ☐ FBI
 - ☐ None of the above
6. The following citations may be signed off:
 - ☐ 4000(a) VC
 - ☐ 12500(a) VC
 - ☐ Mechanical Violations
 - ☐ 4000(a) VC and Mechanical Violations

7. *Orders to Seal and Destroy* refer to what type of records?

- ☐ DMV driving records
- ☐ Crime reports
- ☐ Arrest history
- ☐ None of the above

8. *Orders to Seal and Destroy* are ordered by:

- ☐ The Defendant
- ☐ DOJ
- ☐ The Court
- ☐ FBI

9. Name four common issuers of subpoenas:

- a) _____ b) _____
- c) _____ d) _____

10. Describe the basic steps of processing a warrant:

11. *Dealers Record of Sales* documents refer to what type of transactions?

12. *Pawns, Buys and Consignments* are entered into what data bank?

- ☐ Agency records only
- ☐ NCIC only
- ☐ APS
- ☐ None of the above

13. Cost recovery refers to:

14. Describe the department's *Vehicle Release* policy:

15. Describe the department's *Permit and License* process:

16. *Proof of Booking* refers to:

17. Describe the processing required for FI cards:

18. The following type of convicted offenders must register with the department having jurisdiction over their residence:

- ☐ Convicted Sex Offender
- ☐ Convicted Drug Offender
- ☐ Convicted Arson Offender
- ☐ All of the above

Retention & Destruction - Test 5

1. *Retention and Destruction* policies are mandated by the Department of Justice.

☐ True

☐ False

2. If questions arise regarding *Retention and Destruction* policies, whom should you contact?

3. List two code books that are sources of information regarding destruction or retention of documents:

a.

b.

4. If you retain documents in any form, you must produce them under proper subpoena, no matter how old the document.

☐ True

☐ False

5. Briefly describe the department's *Retention and Destruction* policy:

Statistics - Test 6

1. Who prepares the *Uniform Crime Reporting* statistics for this agency?

2. Name four Part I Crimes.

a) _____

c) _____

b) _____

d) _____

3. Name four Part II Crimes.

a) _____

c) _____

b) _____

d) _____

4. Which State agency requires all law enforcement departments to submit monthly statistical reports?

5. Is Part II crime reporting mandatory or optional?

6. What source document provides guidelines on UCR statistics?

7. Where can this document be found?

8. What type of arrest information is provided in the *Monthly Arrest and Citation Register*?

9. What is the hierarchy rule?
-
-
10. What type of management reports are generated by the Records Section?
-
-
11. What computer system is used to enter UCR data and generate reports?
-
12. What is a hate crime?
-
-
13. What are the distribution and reporting requirements for hate crimes?
-
-
14. How does the Federal Bureau of Investigation (FBI) obtain California law enforcement department statistics?
-
-
15. Is this department considered a secure detention facility?
- ☐ Yes ☐ No
16. What mandatory report is required to be sent to the California Youth Authority for secure detention facilities?
-

17. Are you required to maintain your personal performance statistics (i.e., how many reports written, how many entries made into CLETS, how many citations processed, etc.)?

☐ Yes ☐ No

18. How do you document these statistics?

19. What is your understanding of crime analysis?

20. How do crime analysts use statistics to perform their duties?

System Audits - Test 7

1. What is the purpose of validating NCIC file entries?

2. How often are validations done on a specific entry?

3. What repercussions will occur if an agency fails to validate its file entries?

4. To whom do you report your compliance of the validations?

5. What do you do if, while validating, you notice that there was an error in the serial number field of the entry?

6. What are the valid reasons for requesting CORI?

7. Who can request a criminal history inquiry?

8. Do you access CORI for agencies other than your own? If so, is any subsequent paperwork completed?

9. When can you run a criminal history inquiry for employment purposes?

10. What information is necessary to supply to the auditor while undergoing a CORI audit?

11. Who has the responsibility of maintaining a tracking system for all CORI inquiries?

12. Is the misuse of CORI information a criminal offense? If so, what is the punishment?

13. What information is being audited during a CJIS/NCIC audit?

14. What means are taken to maintain an audit trail on cash receipts?

15. Who is responsible for the "in house" computer system audits?

16. Why is it important to perform periodic audits of your filing system?

17. What steps do you take upon receipt of cash at the counter?

18. Who conducts the cash receipt audit?

19. Are internal audits of CORI inquiries done on an ongoing basis? If so, by whom?

20. What is the purpose of the "Second Party Verification" of all entries into the CLETS database?



Auxiliary Functions - Test 8

1. What is your department policy regarding how calls are answered on the public access number?

2. In an alphabetical file, which comes first?

☐ MacDonald OR ☐ McDonald

3. What should you do prior to entering a voluntary gun registration?

4. What are some common problems that occur when attempting to fingerprint?

5. Who has the primary responsibility of updating all manuals in Records?

6. When might you be called upon to perform Matron Duty?

7. What types of information are you permitted to release to the public over the telephone?

8. Upon ascertaining that a telephone number on an on-call list is wrong, what steps should you take to correct it?

9. What is your responsibility in regard to dealing with individuals at the counter?

10. What is the fee for a traffic collision report?

11. Who is responsible for ordering supplies in the department?

12. What is the procedure for requesting supplies to be ordered?

13. Why is it important that files/correspondence etc., be filed accurately?

14. What is the procedure for changing your personal address and telephone number with the department?

15. What is the fee for fingerprinting?

16. What are the applicable laws regarding bicycle licenses?

17. Do you fingerprint for immigration?

☐ Yes

☐ No

18. An individual calls on the information telephone line reporting a crime in progress. What will you do with the call?

19. An individual at the counter is verbally abusive and refuses to listen to you. What will you do?

20. What is your department procedure on distributing the mail?

Insert Tab #12

Model Directives

X. MODEL DIRECTIVES

INTRODUCTION

Current and relevant policies and procedures are essential to a well-managed organization. The following pages contain model directives covering a variety of records-related issues.

The directives are not intended to be adopted as written. They are provided as samples that may be modified for use by law enforcement agencies.

ANYTOWN DEPARTMENT
Sample Directive - FORMS CONTROL

DEPARTMENT ORDER #: _____ Effective Date: _____

Index as: Forms Control Program
 Numbering, Forms
 Revision/Development, Forms
 Supply/Storage, Forms

Internal Review: Annual

FORMS CONTROL

I. Purpose

To establish and ensure procedures for development, revision, evaluation and consolidation of forms, and to provide an efficient forms process through careful numbering, ordering and inventory of forms used by Anytown Department.

A. Responsibility

1. The Records Manager retains the responsibility for maintenance and monitoring of all forms for the Department as the coordinator of this procedure. The Records Manager ensures that the forms used by the Department are in conformance with the procedures set forth in this general order.
 - a. Maintenance and monitoring includes: development, revision, data-entry formatting, numbering, ordering, typesetting and general supply of forms, pamphlets and all formal printed and/or website-generated materials available through the Department.
 - b. Forms developed or revised will be reviewed by management staff.
2. The Administration Division Commander retains authority for final approval prior to any printing request being processed or website updated.

II. Form Development and/or Revision

- A. Any employee may propose the creation, revision or consolidation of forms which would increase the efficiency or effectiveness of the Department.
- B. Employees will forward the suggested form or revision to the Records and Services Manager.
- C. Prior to approval or typesetting, the proposed form or revision must be reviewed and evaluated by appropriate staff. Appropriate staff shall include those working directly with the form and those who have knowledge about the procedure the form addresses.
 - 1. The Records Manager will be responsible to identify appropriate staff and determine who benefits and who uses the information gathered by the form. The new form or revision will be routed to this group with time line dating to assure prompt processing.
 - 2. Changes to forms should be reviewed by the Information Systems personnel/Webmaster to assure a match to technology, such as data-entry format and alpha-numeric fields.
 - 3. As forms coordinator, the Records Manager or designee will chart the new form usage to determine processing implications and resultant personnel time, and to identify related changes.
 - 4. The new and revised forms will be evaluated based on the form design checklist located in the POST *Law Enforcement Records Management Guide*.
 - 5. The Records Manager or designee will return the form, revision and changes with an evaluation of benefits to the Division Commander for final approval.
 - 6. As necessary, the Division Commander will present the form or revision to the agency head for approval.
- D. The final approved draft of new forms will be assigned a unique number by the Records Manager. Revisions should have a "revised date" added to the existing form number; e.g., PDPT-013 (Rev.5/99).
 - 1. The forms may be ordered (typesetting and printing) and stocked or added to the Website. Outdated forms must be deleted from stock and/or the Website.

2. Place a copy of the form into both a numerical and functional file.
- E. The Records Manager will coordinate use of new forms and/or revisions with the Training Manager so personnel receive training prior to implementation.

The Records Manager will schedule implementation following appropriate personnel training.

III. Form Numbering

- A. Each Department form and pamphlet will be uniquely numbered.
- B. Each form number will consist of a combination of group function identity plus a sequential number.

IV. Ordering Forms/Inventory Stock

- A. Forms will be ordered through the Records Manager or designee.
- B. Supplies of departmental forms will be stocked with a reorder indicator inserted into the stock at an appropriate level.
 1. All personnel who restock forms will be responsible to bring reorder indicators to the attention of the Records Manager.
 2. The Records Manager or designee will be responsible for ordering additional supplies.

V. Form Inventory Files

- A. Numerical Form File/Functional Form File
 1. A complete collection of departmental forms will be retained in the Records Section.
 - a. The collection will contain a form sample and a list of information:
 - (1) Form number
 - (2) Title
 - (3) Method of reproduction/vendor
 - (4) Location

- (5) Special preparation instruction
- (6) Distribution
- (7) Reorder dates/amounts
- (8) Minimum stock level

By order of:

Signature of Agency Authority

Title

ANYTOWN DEPARTMENT
Sample Directive - PUBLIC INFORMATION RELEASE

DEPARTMENT ORDER #: _____ Effective Date: _____

Index as: Information Release
 Public Information
 Release of Information
 Reports, Release of
 Criminal History Information, Release of

Internal Review: Annual

PUBLIC INFORMATION RELEASE

I. Purpose

The purpose of this general order is to establish policy and procedures to comply with the California Public Records Act, the California Penal Code and other applicable laws and legal decisions concerning the release of public information.

II. Policy

- A. It is the policy of the Anytown Department to comply with the law regarding disclosure of public information which may be included in day-to-day service activities and police documents.
- B. In conjunction with the public's right to know, the Department must protect the legal rights of victims, witnesses, accused persons and confidential informants. The Department will ensure disclosure of public information is in compliance with the law.
- C. The Department will justify withholding any records by demonstrating that the records are exempt under the law, or that in withholding the records, the public interest is served which outweighs the requested disclosure.
- D. Public Inspection Procedure
 - 1. All arrest and crime report information shall be available in accordance with the limitations of public law and consistent with this policy.

2. Reports shall be reviewed by Records personnel prior to public disclosure to ensure names and information entitled to an exemption are deleted or to determine whether reason exists which specifically exempts the report from disclosure.
3. Records personnel who process and distribute reports shall edit the face page of all arrest and crime reports prior to release.
4. A record shall be maintained with the original report of all such releases of information.
5. A fee from the current fee schedule shall be charged for release of reports.

III. Public Information – Information to be Released

- A. Public or releasable information is described, in part, in the California Public Records Act (Government Code Sections 6250-6270) which covers exemptions from public disclosure.
- B. Government Code Section 6254(f) defines information which must be made public unless release of the information would endanger the safety of a person or the successful completion of an open investigation.
- C. Release of public information, along with retention and destruction of same, is also governed by other Sections of the Government Code along with the California Penal Code, Welfare and Institutions Code, Evidence Code, Health and Safety Code, Education Code, Labor Code, Financial Code, Business and Professions Code, Civil Code, Code of Regulations, Public Resources Code and the Vehicle Code.
- E. Unless release would endanger the safety of a person or the successful completion of an investigation the following types of information, collected in the normal course of business, must be released on request:
 1. Calls for Service
 - a. Date, time and location of all complaints or requests for assistance, and the nature of the Department's response.
 - b. Date, time of report and factual circumstances surrounding the incident, including general descriptions of injuries, property or weapons involved.

- c. Victim information, *except* victims of specific abuse, sex crimes or violent offenses.

2. Arrested Persons

- a. Except for arrestees who qualify under Penal Code Section 851.6, full name, address and occupation, date of birth and physical description.
- b. Date, time, location of the arrest and factual circumstances surrounding the arrest.
- c. Date and time of booking, amount of bail, location where arrestee is held and all charges.
- d. Time and manner of release.

3. Crime Reports

- a. Shall be released to the victim or authorized representative and/or an insurance carrier against which a claim has been, or might be, made.
- b. Names, addresses of victims, arrestees and witnesses, *except* confidential informants. Victims and witnesses may request that their name, in addition to this data, be withheld under section 293 of the Penal Code.
 - (1) In the case of a minor, the parent or guardian may request confidentiality.
 - (2) The Department will prevent a defendant from obtaining victim and witness information. The Department is not responsible for improper second-party release.
- c. Date, time and location of the incident, all diagrams and any property involved.
- d. Statements of parties involved and all witness statements *except* confidential informants.

IV. Exemptions to the Release of Information

- A. To balance the individual's right to privacy with the public's interest certain information is exempted from release by law or court decision. The exemptions listed in this policy do not purport to cover every situation or subject on which questions may arise.

1. Anytown Department shall not release the following information:

- a. Juvenile records (under 18 years of age). Refer to T.N.G. Order by appropriate County Superior Court.
- b. Victims may request confidentiality under Penal Code Sections; 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 293, 293.5, 422.6, 422.7, or 422.75.
- c. Confidential informants.
- d. Individuals in custody under Welfare and Institutions Code Section 5157 (dangerous or gravely disabled).
- e. Victim information to any arrested person or defendant under Penal Code Section 841.5.
- f. Criminal offender record information (CORI – per *Younger v. Berkeley City Council*, 1975).
- g. Per Government Code Section 6254(f):
 - (1) Portions of reports that reflect analysis, recommendation or conclusion of the investigating officer.
 - (2) Portions of reports that disclose investigative techniques and/or procedures.
 - (3) Information that may jeopardize an open investigation, related investigation or law enforcement proceeding.
 - (4) Information that may endanger the safety of any person.
- h. Preliminary drafts, notes or memoranda which are not retained in the normal course of business per Government Code Section 6254(a).

- i. Records pertaining to pending litigation to which the public agency is a party, until adjudicated per Government Code Section 6254(b).
- j. Personnel records, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy per Government Code Section 6254(c).
- k. Information that may deprive a person of a fair trial (South Coast Newspaper, Inc. v. City of Oceanside, 1984).

B. Discretionary Release of Information

- 1. Exceptions may be made to the Exemptions to Release Information when not prohibited by law, on a case-by-case basis.
 - a. Discretionary release must be approved by the Records Manager or another Section Commander.
 - b. Discretionary release must be based on:
 - (1) Opportunity for the released information to aid in the investigation of a crime.
 - (2) Opportunity for the release of information to assist in the arrest of a suspect.
 - (3) Necessity to warn the public of danger.

C. Conditional Release of Information

- 1. Partial restrictions or release of information may be necessary, when not prohibited by law, on a case-by-case basis.

Conditional release must be approved by the Records Manager or another Section Commander.
- 2. Death Releases – In cases involving death, the victim's name will not be released until the next of kin has been notified and clearance obtained from the Coroner's Office.
- 3. Injury Releases – In cases involving serious injury, the victim's name will not be released until the next of kin has been notified.
- 4. Suicide Notes – Contents of suicide notes will not be released, but the existence of a suicidal note may be acknowledged.

5. Multi-jurisdiction Investigations and Assisting Other Agencies – Inquires will be referred to the agency with primary jurisdiction.

D. Information Related to Pending Litigation

1. Reports and information developed after the filing date, pertaining to pending litigation to which the City/County, the Department or departmental employee is a party, shall not be released.
2. All inquiries shall be referred to the appropriate legal counsel and/or the City/County Risk Manager.
3. Reports pertaining to pending litigation to which the City/County, the Department or an employee is a party shall not be released and all inquiries shall be referred to the City Attorney/County Counsel.
4. These reports may be released only when the litigation or claims have been finally adjudicated or otherwise settled and the City Attorney/County Counsel has approved the release.

E. Personnel Information – Issues and Policy

1. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, shall not be disclosed.
2. Pitchess Motions for Department employee files must be routed to the Internal Affairs Sergeant who will coordinate the court appearance with the appropriate legal counsel.
3. Issues and questions pertaining to the personnel policy shall be referred to the agency head.

F. Authority for Legal Exceptions/Release

1. Refer to *Criminal Records Security-Statutes and Regulations*, California Department of Justice.
2. Refer to *POST Law Enforcement Records Management Guide*.
3. Government Code of California, Sections 6251-6270 (California Public Records Act.)

4. Penal Code Sections 146b, 290-293.5, 502, 841.5, 11075-11081, 11105-11105.5, 11120-11126, 11140-11144, 13100-13102, 13200-13203, 13300-13305, 13320-13326.
5. T.N.G. v. San Francisco Superior Court, 1971 / Cal.App.3d 767, Wescott V. Yuba County / Cal.App.3d 103 (1980) Welfare and Institutions Code Section 827(a).
6. South Coast Newspapers, Inc. v. City of Oceanside (1984, 164 Cal.App.3d 261.)

By order of:

Signature of Agency Authority

Title

ANYTOWN DEPARTMENT
Sample Directive - SECURITY AND RELEASE OF CRIMINAL OFFENDER RECORD
INFORMATION (CORI)

DEPARTMENT ORDER #: _____ Effective Date: _____

Index as: Criminal Offender Record Information
 CORI
 Arrest Information

Internal Review: Annual

**SECURITY AND RELEASE OF
CRIMINAL OFFENDER RECORD INFORMATION (CORI)**

I. Purpose

The purpose of this order is to establish departmental policy and procedures pertaining to the retention and dissemination of summary criminal offender record information.

II. Departmental Policy

- A. The Anytown Department will control the release and dissemination of summary criminal history records to prevent the improper use of criminal history information.
- B. The Records Manager of the Department is designated by this policy as the Criminal Records Security Officer.

III. Authority

The authority for establishing local criminal offender record security regulations is found in Title 11, Chapter 1, California Administrative Code. Other authorities include Penal Code Sections 11105, 11140-11144 and 11120-11127.

IV. Definitions

A. The following definitions are applicable to court order:

1. Criminal Justice Agency: a public agency or component thereof which performs a criminal justice activity as its principal function.
2. Authorized Person or Agency: any person or agency authorized by court order, statute or decisional law to receive criminal offender record information.
3. Criminal Justice Agency: records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and summaries of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation and release.
4. Right to Know: the right to obtain criminal offender record information pursuant to court order, statute, or decisional law.
5. Need to Know: the necessity to obtain criminal offender record information in order to execute official responsibilities.
6. Record Check: obtaining summary criminal record information.
 - a. CORI - Criminal offender record information, also known as a "rap sheet," commonly describes the summary information available from the California Department of Justice pursuant to Penal Code Sections 11120-11127.
 - b. Local summary criminal offender information is CORI and is addressed by this policy.
 - c. Department of Motor Vehicles summary driver's license records are also CORI and are addressed by this policy.
7. Criminal Record Security Officer: the employee of the Department given the authority and responsibility to enforce record security regulations.

V. Responsibility of Department Employees

- A. Employees of the Department who are in possession of criminal history records shall be responsible for the physical security of documents. Under no circumstances shall an employee disclose the contents of any criminal history record to any person except as provided in this order.

VI. Dissemination of CORI to Authorized Agencies and Persons

- A. The Records Manager shall maintain a current list of authorized agencies and/or persons who may have access, by review or release, to CORI within the parameters of Penal Code Sections 11105 and 13300.
- B. Employees of the Department may allow review or release of Department of Justice or Department of Motor Vehicles CORI to authorized persons or agencies when the data is required for official purposes.
- C. State CORI requested by persons for employment, licensing or certification purposes will be referred to Department of Justice.

Form # BCID 8705 (Rev. 8/90) must be submitted by the individual, with fingerprints and payment of fees to:

Department of Justice
P.O. Box 903417
Sacramento, CA 94203-4107

- D. Local CORI may be reviewed and/or released to authorized agencies and/or persons when the data is required for official purposes.

VII. Release Procedures

- A. All requests for CORI intended for second-party releases must be documented on the Criminal History Log.
 - 1. The Records Section will retain all entries and the Criminal History Log for a period of not less than two years.
 - 2. Electronic requests will contain appropriate identification of the requestor and reason for the request. The Department of Justice journals the CORI requests and retains the information for not less than three years.

B. Criteria for Release

1. Right to Know – CORI will be released only to persons or agencies authorized by court order, statute or decisional case law to receive the information.
2. Need to Know – CORI release is based on the necessity to obtain criminal offender record information so that official responsibilities may be executed.
3. Summary criminal offender record information of any type may be released or reviewed only when BOTH the right to know and the need to know have been established and documented.

C. Reproduction of CORI

1. All copies of CORI produced by the Department shall be stamped, on each page, with the appropriate red ink stamp that identifies who received the information.
2. Hard copies of CORI, originals or photocopies, shall not be attached to case records except by agreement with the District Attorney or the courts.

D. Audit Requirements

1. A written or electronic record shall be maintained for each release of summary criminal offender record information.
 - a. The audit record shall contain:
 - (1) date of dissemination,
 - (2) name of the agency and/or person receiving information,
 - (3) extent (description) of the information provided, and
 - (4) manner in which the information was provided or transmitted.
 - b. The Department of Justice, as agent for the National Crime Information Center (NCIC), will audit the release of CORI information on a regular basis. The Records Manager shall ensure compliance with the requirements of an audit and assist in the process involving the Department.

2. Security

- a. All criminal offender record information shall be stored in a secure area with access restricted to authorized personnel.
- b. All computer terminals that have access to State CORI must be protected from public view or public access.
- c. All employees who have access to CORI shall pass a background check of personal records through fingerprint verification by the Department of Justice.
 - (1) Pursuant to Penal Code Sections 11142 and 13303, any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.
 - (2) Employees included in this requirement: computer vendors/programmers and department personnel.
 - (3) The Department will retain a signed Employee Statement Form regarding Use of Criminal Justice Information (Figure III-6, on page III-24, in the POST *Law Enforcement Records Management Guide*) for each employee.

3. Destruction of Criminal Offender Record Information

- a. Every employee of the Department is responsible for destroying printed CORI documents to the point that any reconstruction of the record is impossible.
- b. Printed CORI may be returned to the Records Section for destruction/shredding.

By order of:

Signature of Agency Authority
Title

ANYTOWN DEPARTMENT
Sample Directive - SUBPOENA PROCEDURES

DEPARTMENT ORDER #: _____ Effective Date: _____

Index as: Civil Subpoena
 Criminal Subpoena
 Release of Records
 Subpoena Duces Tecum

Internal Review: Annual

SUBPOENA PROCEDURES

I. Purpose

The purpose of this directive is to establish procedures that govern the process of subpoenas: civil, criminal and duces tecum.

A. Responsibility

1. This directive establishes the legal Custodian of Records for the Anytown Department is the agency head, or designee.
 - a. The designee for Department's business and operations record documents is the Records Manager.
 - b. The designee for the Department's confidential personnel records is the Internal Affairs Sergeant.
2. The Records Manager, as Custodian of Records, is responsible to accept and respond to subpoena duces tecum for records and testimony by personnel regarding business-related events and for certifying said records as appropriate under the law.
 - a. The Records Manager may accept subpoenas for confidential personnel records.
 - b. Court orders/subpoenas for personnel records will be routed immediately to the Internal Affairs Sergeant.

3. The Internal Affairs Sergeant is responsible to accept and respond to Pitchess Motions or other court orders for confidential personnel records, and to coordinate release through the City Attorney/County Counsel.
4. The Custodian of Records is responsible to coordinate record release with the District Attorney and the City Attorney/County Counsel as necessary.
5. The Custodian of Records is responsible for notice of and collection of fees for witnesses and record production as appropriate.

II. Definitions

- A. Certification: Per Code of Civil Procedures 1985, a subpoena may require a personal appearance or the attorney may waive the appearance if the requested documents are produced. Documents must be produced with a certification document.
 1. The certification must verify the records are complete as described in the subpoena or that no records were located.
 2. The certification must verify the records were produced in the normal course of business.
- B. Custodian of Records: The agency head or person designated to accept and process subpoenas. The Records Manager is designated as Custodian for all business and operations records. The Internal Affairs Sergeant is designated as the Custodian of personnel records.
- C. Motion to Quash: The Department may oppose compliance with a subpoena for several reasons. The motion to quash must be filed in court in a timely manner for good cause. This procedure is coordinated with the City Attorney.
- D. Pitchess Motion: Confidential personnel documents requested for a civil or criminal action in State court requires a timely and properly founded Pitchess Motion in compliance with Evidence Code Section 1043. Documents are reviewed by the judge *in camera*. The judge makes the decision to either restrict the records or release the records completely or partially.
- E. Subpena/Subpoena: A legal document directing a person or a business entity named in it to appear in court and/or to provide certified documents, papers, etc. related to business or events as evidence in accordance with Code of Civil Procedures Section 1985.

- F. Subpoena Duces Tecum: A subpoena that arises from a civil or criminal trial, that directly relates to producing business-related persons and/or documents. It is not a court order.

III. Subpoena Process

A. Accepting a Subpoena

1. Service of a subpoena shall be accepted when the original subpoena and a copy:
 - a. are delivered to the correct person (Custodian of Records),
 - b. are delivered to the correctly named and addressed location for the Department,
 - c. contain the name of the law firm and/or the attorney's name and telephone number,
 - d. are attached to an affidavit of notice to consumer for civil litigation, and
 - e. are attached with a check in bond payment of officer/witness fees for civil litigation per Government Code Section 68097.2(b).
2. A subpoena is not a court order. Though a response is required, the production of documents or persons is not.
3. The Custodian of Records is not authorized to accept personal service subpoenas for employees who are party to the litigation.

B. Response to Subpoenas

The Department, as represented by the Custodian of Records, shall respond to every subpoena. The Custodian may respond to a subpoena in three ways:

1. Production of the records or confirmation that no records exist.
2. Filing a motion to quash, opposing production of records.
3. Filing a motion for a protective order to limit the scope of the production or protect the confidential information.

C. Opposing Record Production: the subpoena may be quashed or a protective order filed if the subpoena:

1. is improperly drawn, written or served,
2. lacks an affidavit or declaration,
3. lacks sufficient specificity, is overbroad (beyond possible relevance to the action) or if compliance would be excessively burdensome,
4. requests records that are confidential,
5. lacks a date of production,
6. is for a criminal proceeding to which the Department is a participant, or
7. is for civil litigation and the "Notice to Consumer" is missing (refer Code of Civil Procedures Section 1985.3).

D. Compliance with Subpoenas

1. The Custodian of Records shall determine that the subpoena is valid and lawful, then shall follow Evidence Code Sections 1541 and 1560 in complying with the subpoena.
2. A declaration that certifies the records shall be prepared and signed by the Custodian of Records.
 - a. Certify the records are true and accurate copies as described in the Evidence Code, or that no copies are available on the subject as described in the subpoena affidavit.
 - (1) Copies shall be individually stamped with a photocopy, red ink stamp.
 - (2) If requested, each copy may be certified by the Custodian. The Custodian will initial each red stamp (page).
 - b. Include the certification with the records.
3. Make records available for professional photocopier or agent of the attorney, protecting original or confidential records as necessary.

4. Produce and deliver the records per Evidence Code Sections 1560-1561.
 - a. Do not release original records.
 - b. Respond within the proper time frame for the type of subpoena and dates of production.
 - c. Seal documents using inner/outer envelopes and deliver to the clerk of the court.
 - d. Deposition subpoenas may be delivered to the requesting attorney.
 - e. Follow established County procedures that address Penal Code Section 1054 which defines discovery in criminal litigation.
5. Prepare billing for production and photocopying records.
 - a. The charges shall be in accordance with the current Department/City fee schedule.
 - b. The Department is allowed by the Evidence Code to charge \$15.00 as a witness fee, even if no records are located.

By order of:

Signature of Agency Authority
Title

ANYTOWN DEPARTMENT
Sample Directive - WARRANT PROCESSING PROCEDURE

DEPARTMENT ORDER #: _____ Effective Date: _____

Index as: Warrant Processing Procedure
 Processing Procedure, Warrants
 Receiving, Service Returning

Internal Review: Annual

WARRANT PROCESSING PROCEDURE

I. Purpose

The processing and service of warrants of arrest is an important function of law enforcement agencies. The objective of this Department is to carry out the warrant function as effectively as possible within appropriate legal, ethical and financial constraints. The purpose of this directive is to provide an overview of the departmental warrant process. Additional directives on this subject will develop more detailed procedures concerning specific responsibilities (bail acceptance, warrant recall, etc.).

II. Responsibilities

The responsibility for the warrant function is divided between the Records Section and the Patrol Division, and is detailed as follows:

A. Records Section Responsibilities:

The Records Section is responsible for the establishment, maintenance and updating of the various files and logs associated with the warrant processing functions.

The responsibilities are divided into those which occur before the warrant is served and those which occur after the warrant is served. They are enumerated below:

1. Pre-service Responsibilities

- a. Log the warrant in the Warrant Log.**

- b. Prepare the Warrant Service Information Card and the warrant envelope (or alpha index cards, if used).
- c. If appropriate, enter the warrant in NCIC or other automated systems.
- d. Route the Warrant Service Information Card to the Patrol Division for service.
- e. File the warrant in the warrant file.

2. Post-service Responsibilities

After attempts by the Patrol Division, the Warrant Card shall be returned to the Warrant/Records Unit indicating whether or not the warrant was served. The Warrant/Records Unit shall then perform the following tasks.

- a. If the wanted person was arrested:
 - (1) Place the Warrant Service Information Card in the "served" file. (In the case of an outside warrant, send the warrant or warrant abstract, any bail collected and the Warrant Service Information Card – that is, the record of attempts at service – to the agency which sent the warrant.)
 - (2) Pull and destroy the alpha card (if used).
 - (3) Update the Warrant Log.
 - (4) Clear the warrant from NCIC or other automated system (if previously entered).
- b. If the wanted person was not arrested:
 - (1) On a local warrant, place the Warrant Service Information Card in file with the warrant.
 - (2) In the case of an outside warrant, return a copy of the Warrant Service Information Card with the warrant or warrant abstract to the originating agency and update the Warrant Log.

B. Patrol Division Responsibilities:

1. When an officer is assigned a Warrant Service Information Card for service, the officer shall make a serious effort to serve it. All available leads shall be pursued within practical constraints.
2. The assigned officer shall log all attempts at service on the back of the Warrant Service Information Card.
3. When unable to serve a warrant, the card should be turned in at the end of the watch.
4. Whenever it becomes apparent that the wanted person is not available, this information shall be noted on the Warrant Service Information Card and the card returned to the Records Unit.
5. When a wanted person is arrested on a warrant:
 - a. The officer shall indicate on the back of the Warrant Service Information Card that the warrant was served.
 - b. The officer shall then turn in the card to the Records Section in exchange for the warrant.
 - c. The wanted person shall either be booked at the jail or allowed to deposit bail as appropriate. The officer shall make the return on the back of the warrant, which shall either be deposited at the jail or returned to the Records Section with the bail, depending on the disposition.
6. Whenever any person is arrested on another agency's warrant abstract, a teletype shall be sent, notifying the agency that the person is in custody and has either posted bail or is available for release.

By the order of:

Signature of Agency Authority

Title

Insert Tab #13

Legal Reference

XI. LEGAL REFERENCE

INTRODUCTION

This chapter includes laws applicable to law enforcement records. For ease of use, legal references are depicted on the following pages in two ways:

- by **Code/Section**, beginning with page XI-2, and
- by **Topic**, beginning with page XI-15.

Case law decisions are not included in the *POST Law Enforcement Records Management Guide* because of the fluidity of the law and the difficulty of maintaining current reference materials. We recommend that agencies refer legal interpretations and case law decision research to the appropriate legal counsel for the agency in order to obtain a current legal opinion.

LEGAL REFERENCE (By Code/Section)

CODE OF FEDERAL REGULATIONS

28 C.F.R. 20.1 (*Audits*) Justice System Improvement Act – need for CORI audits.

UNITED STATES CODE

42 U.S. 3771(b) (*Audits*) Establishes standards for records management, including audits.

BUSINESS & PROFESSIONS CODE

6054 (*Information Release*) Cooperation; assistance with State Bar.

21625-28 (*Licensing*) Secondhand dealer licensing requirements/reporting.

21634 (*Reports*) Stolen non-serialized property report to DOJ.

24202 (*Premise Violations*) Requirement to report arrest to ABC.

CIVIL CODE

1798.32-.44 (*Information Release*) Right of inquiry inspection of personal information.

1798.53 (*Information Release*) Intentional disclosure; civil action.

CODE OF CIVIL PROCEDURES

128 (*Subpoenas*) Powers of court; compliance with subpoena.

CODE OF CIVIL PROCEDURES

(Continued)

- 545-547 & 550(b)** *(Firearms, Restraining Orders)* Firearms/restraining orders/prohibition to possess; agency mandate to report to DOJ.
- 1985-1987** *(Subpoenas)* Defines subpoena and affidavit requirements.
- 2002-2015** *(Subpoenas)* Defines manner of production, mode of testimony, and affidavits offered as testimony.
- 2016-2036** *(Subpoenas)* Discovery.
- 2020(d)(4)** *(Subpoenas)* Deposition subpoenas.
- 2023** *(Subpoenas)* Procedure for a subpoena regarding deposition of witness within this state in foreign actions.
- 2024** *(Subpoenas)* Deposition of witness for an out-of-state witness in actions within this state.
- 2034** *(Subpoenas)* Declaration must state what is requested and relevant and needed.

CODE OF REGULATIONS

- 700-711** *(CORI)* Procedures, regulations, definitions in handling criminal history information.
- 702** *(Audits)* Established requirement for DOJ audit of CORI dissemination.

EDUCATION CODE

- 10911.5** *(Records Check)* Public recreation employees; fingerprinting.
- 35021.1** *(Records Check)* Automated records check volunteer aids/sex offenses; conviction.

EDUCATION CODE

(Continued)

- 35254** *(Records Sealing/Destruction)* Destruction of school district records; microfilming.
- 44237** *(School Employees)* Bar from employment for sex/narcotics offenses.
- 45123** *(School Employees)* Bar from employment for sex/narcotics offenses.
- 45124** *(School Employees)* Bar from employment; sexual psychopath.
- 45125** *(School Employees, Records Check)* Requirement for fingerprints/state criminal history check.
- 45126** *(School Employees)* Duty of DOJ to furnish information.
- 88022** *(School Employees)* Bar from employment for sex/narcotics offenses; community colleges.
- 88023** *(School Employees)* Bar from employment; sexual psychopath; community colleges.
- 88024** *(School Employees, Records Check)* Requirements for fingerprints/state criminal history check; community colleges.
- 88025** *(School Employees)* Duty of DOJ to furnish information; community colleges.

EVIDENCE CODE

- 250-260** *(Information Release)* Definitions; writings; original; duplicate.
- 1040** *(Information Release)* Privilege/conditions for refusal to disclose information.
- 1043** *(Pitchess Motions)* Establishes guidelines for discovery/disclosure of peace officer records.
- 1270** *(Information Release)* Defines government as business.
- 1271** *(Information Release)* Admissible writings and exceptions to hearsay rule.

EVIDENCE CODE

(Continued)

- 1506 *(Information Release)* Copy of public writing.
- 1507 *(Information Release)* Copy of recorded writing.
- 1508 *(Information Release)* Other secondary evidence of writings.
- 1509 *(Information Release)* Voluminous writings.
- 1530-1532 *(Information Release)* Official writings.
- 1560 *(Subpoenas)* Compliance with subpoena duces tecum for business records.
- 1561 *(Subpoenas)* Affidavit accompanying records.
- 1562 *(Subpoenas)* Admissibility of affidavit and copy of records.
- 1563 *(Subpoenas)* Witness fees and mileage.
- 1564 *(Subpoenas)* Personal attendance of custodian and production of original records.
- 1565 *(Subpoenas)* Service of more than one subpoena duces tecum.

FAMILY CODE

- 6345 *(Restraining Orders)* Restraining order expiration dates.

FINANCIAL CODE

- 777.5 *(Information Release)* Release of information to banks for employment.
- 6525 *(Information Release)* Release of information to financial assistants for employment.

**FINANCIAL
CODE**
(Continued)

- 14409.2** *(Information Release)* Release of information to credit unions for employment.
- 21208** *(Reports)* Pawn/buy reports to DOJ.

**GOVERNMENT
CODE**

- 6200-01** *(Information Release)* Penalty for theft, destruction, etc., of public records.
- 6250-70** *(Information Release)* Public Records Act – defines and regulates release of public records.
- 6252** *(Information Release)* Definitions under Public Records Act.
- 6253** *(Information Release)* Public records open to inspection; time; guidelines and regulations governing procedures.
- 6254-6254.5** *(Information Release)* Exemptions of particular records from disclosure.
- 6255** *(Information Release)* Justification for withholding of records.
- 6258-59** *(Information Release)* Public recourse for failure to provide information requested.
- 6260** *(Information Release)* Effect of prior rights and proceedings.
- 6262-65** *(Information Release)* Disclosure to district attorney.
- 6275-77** *(Information Release)* Exemptions to California Public Records Act.
- 12525** *(Reports)* Death-in-custody reporting.
- 13960** *(Information Release)* Definitions (victim, injury, crime).
- 13968(d)** *(Information Release)* Copies of protected documents to Board of Control.

GOVERNMENT CODE

(Continued)

- 14755-56** *(Records Sealing/Destruction)* Destruction of state records; authority.
- 15150-67** *(CLETS)* Establishes California Law Enforcement Telecommunications System.
- 26201-02** *(Records Sealing/Destruction)* Destruction of county records; authority.
- 26205** *(Records Sealing/Destruction)* Destruction of certain records; conditions.
- 27491** *(Information Release)* Coroner's records.
- 34090-90.5** *(Records Sealing/Destruction)* Destruction of city records; authority.
- 34090.6** *(Records Sealing/Destruction)* Destruction of communication tapes; authority.
- 34090.7** *(Records Sealing/Destruction)* Destruction of duplicate records less than two years old.
- 54985-87** *(Information Release)* Fees.
- 68093-97** *(Subpoenas)* Witness fees.

HEALTH AND SAFETY CODE

- 1522(a)** *(Information Release)* Access to CORI by Department of Social Services.
- 1522.06** *(Information Release)* Providing CORI obtained by CLETS to a county child welfare agency.
- 11357(e)** *(Marijuana)* Juvenile possession on school grounds.
- 11361-61.5** *(Marijuana)* Purge requirements.
- 11361.7** *(Marijuana)* Accuracy, timeliness and completeness of destruction; application.

HEALTH AND SAFETY CODE

(Continued)

11590 *(Registrant)* Narcotic registration requirements.

11591-91.5 *(School Employees)* Notice to school authorities – controlled substance offenses.

LABOR CODE

432.7-432.8 *(CORI)* Regulates disclosure for employment; penalties for violation.

432.7(b) *(CORI)* Arrest and detention of peace officer.

PENAL CODE

146(b) *(Information Release)* Simulating official inquiries.

168 *(Information Release)* Release of felony warrants.

186.30 *(Registrants)* Gang registrants.

273.6 *(Firearms, Restraining Order)* Violation of restraining order.

290 *(Registrants)* Sex offender registration requirements.

291-291.5 *(School Employees)* Notice to school authorities of arrest for sex crime.

293 *(Information Release)* Victims of sex offenses may request that names not be disclosed.

457.1 *(Registrants)* Arson offender registration requirements.

502 *(Computer Systems)* Theft from; malicious access/damage; penalties.

530.5 *(Information Release)* Willful use of personal identifying information; records to reflect innocence of person whose identity was falsely used.

PENAL CODE

(Continued)

- 691** *(Criminal Procedures)* Accusatory pleading defined.
- 799-805** *(Statute of Limitations)* Statute of limitations; criminal.
- 806** *(Criminal Procedures)* Examination before magistrate.
- 832.5** *(Complaints)* Citizen's complaints against agency personnel.
- 832.7-832.8** *(Peace Officers)* Peace officer records; confidentiality.
- 841.5** *(Information Release)* Confidentiality of victim and witness information.
- 849.5** *(Detention Only, Reports)* Arrest deemed detention only; requirements.
- 851.6(a)** *(Detention Only)* Detention certificate requirements.
- 851.7** *(Records Sealing/Destruction)* Petition to seal a record; minor.
- 851.8-851.85** *(Records Sealing/Destruction)* Factual innocence; sealing/destruction requirements.
- 853.6(g)** *(Citations)* Citations; booking required on recordable offenses.
- 988** *(Criminal Procedures)* Arraignment.
- 1054.5** *(Subpoenas)* Criminal discovery.
- 1203** *(Probation)* Authority to grant; conditions of probation.
- 1203.4** *(Probation)* Discharged probationer; conviction set aside; reimbursement of county costs.
- 1203.45** *(Records Sealing/Destruction)* Authority to order juvenile sealing with relief under 1203.4 PC.
- 11075-81** *(CORI)* Definition; dissemination; requirements to regulate dissemination.

PENAL CODE

(Continued)

- 11078** (CORI) Requirement to maintain listing of agencies to whom CORI is released.
- 11105** (CORI) Requirements/restrictions in furnishing state summary information.
- 11105.02** (CORI) Screening on concessionaires; CORI provided to local government.
- 11105.03** (CORI) Public housing authorities; access to information.
- 11105.3** (CORI) Youth organizations and human resource agencies access to state CORI for employment/volunteers.
- 11105.4** (CORI) Security organizations access to state and local CORI for employment.
- 11105.6** (CORI) Bail bond agents access to CORI.
- 11107** (Reports) Local reports required to be submitted to DOJ.
- 11108** (Property) Requirement to submit reports of lost, found, or stolen property that is serialized.
- 11109** (Fingerprint Cards) Coroner's records, decedent fingerprint cards required.
- 11115** (Dispositions) Arrest and court action disposition requirements.
- 11120** (CORI) Record defined.
- 11122-23** (CORI) Application to obtain copy of own record; submission of application; fee.
- 11124** (CORI) Determination of existence of record; copy of record or notice of no record; delivery.
- 11125** (CORI) Prohibition from requiring subject to obtain copy of state record.
- 11126** (CORI) Procedure for correction/clarification of state record.

PENAL CODE

(Continued)

- 11127 (CORI) Requirements for DOJ to adopt regulations.
- 11140 (CORI) Definition of state record.
- 11141-43 (CORI) Penalties for unauthorized possession/dissemination of state summary records.
- 11144 (CORI) Dissemination for statistical/research purposes; authorized and defined; state.
- 11166 (Child Abuse) Reporting requirements.
- 11167 (Child Abuse) Child abuse reports; disclosure.
- 11167.5 (Child Abuse) Protects child abuse reports.
- 11169 (Child Abuse) Written notification to suspect of report to child abuse central index.
- 12028-30 (Firearms) Notification of retention or destruction of firearms.
- 12052 (Firearms) CCW license application, fingerprints, fees.
- 12070-77 (Licensing) Firearms dealers; dealer record of sales.
- 13020 (Reports) Statistical reporting to Attorney General.
- 13022 (Reports) Annual justifiable homicide reporting to DOJ.
- 13023 (Reports) Hate crimes reporting to Attorney General.
- 13101 (Information Release) "Criminal justice agencies" defined.
- 13102 (CORI) CORI – definition.
- 13103 (Records Sealing/Destruction) Destruction of original records; conditions.
- 13104 (Information Release) Certified reproduction of any record.
- 13150 (Reports) Reporting requirements to DOJ.

PENAL CODE

(Continued)

- 13151** *(Dispositions)* Arrest and court action disposition requirements.
- 13202** *(CORI)* Dissemination for statistical/research purposes; local CORI.
- 13300-01** *(CORI)* Requirements/restrictions in furnishing local summary information.
- 13302-04** *(CORI)* Penalties for unauthorized possession/dissemination of local summary records
- 13305** *(CORI)* Dissemination for statistical/research purposes; local CORI.
- 13320-23** *(CORI)* Right to examine and challenge state record; fees and procedures.
- 13324** *(CORI)* Procedure for correction/clarification of local record.
- 13325** *(CORI)* Requirement for local record review.
- 13326** *(CORI)* Prohibition from requiring subject of record to obtain copy of local record.
- 13700-02** *(Domestic Violence)* Domestic Violence Act.
- 14200-13** *(Missing Persons)* Reporting requirements.

VEHICLE CODE

- 28** *(Vehicles)* Vehicle repossession notification.
- 1808.45-1808.47** *(Information Release)* DMV records; procedures to protect confidentiality; disclosure.
- 1808.5** *(Information Release)* DMV records; confidentiality.
- 2431** *(CORI)* Access to CLETS by CHP for tow truck driver applicants.
- 10500** *(Vehicles)* Requirement to report stolen vehicles or plates.
- 10551** *(Reports)* Requirement to report stolen boat to DOJ.

VEHICLE CODE

(Continued)

- 10851** *(Vehicles)* Vehicle theft.
- 20002** *(Collision Reports)* Accident reporting requirement.
- 20008** *(Reports)* Traffic accident report required to be submitted to CHP.
- 20012-15** *(Collision Reports)* Traffic accident reports; disclosure.
- 22650** *(Vehicles)* Vehicle removal requirement.
- 22651** *(Vehicles)* Vehicle removal; circumstances allowing.
- 22852** *(Vehicles)* Notice to owner of towed vehicle.
- 22853** *(Reports)* Requirement to report stored vehicle to DOJ when unable to establish owner.

WELFARE AND INSTITUTIONS CODE

- 204** *(CORI)* Transmittal of information relating to arrest of minor; disposition.
- 209-210** *(Reports)* Detention of minors reporting.
- 361.4** *(CORI)* Providing CORI obtained by CLETS to a county child welfare agency.
- 389** *(Juvenile Records, Records Sealing/Destruction)* Authority to require sealing; requirement to seal – noncriminal.
- 601.5** *(CORI)* Access to CORI – at-risk programs for juveniles.
- 781** *(Juvenile Records, Records Sealing/Destruction)* Authority to require sealing; requirement to seal – criminal.
- 826-826.5** *(Juvenile Records, Records Sealing/Destruction)* Release, destruction, reproduction of court records.

**WELFARE AND
INSTITUTIONS
CODE**

(Continued)

- 827-828** *(Juvenile Records)* Court jurisdiction over juvenile records; police authority to release.
- 830** *(Child Abuse)* Child abuse; disclosure.
- 5328** *(Information Release)* Mentally ill persons; record confidentiality.
- 8100-8103** *(Licensing)* Prohibits firearm sales to mentally unfit.
- 15610-32** *(Elder Abuse)* Definition; reporting and employee requirements.
- 15633** *(Elder Abuse)* Protects elder abuse and/or dependent adult abuse reports.

LEGAL REFERENCE

(By Topic)

AUDITS

28 Code of Federal Regulations 20.1 – Justice System Improvement Act – need for CORI audits.

42 United States Code 3771(b) – Establishes standards for records management, including audits.

702 Code of Regulations – Established requirement for DOJ audit of CORI dissemination.

CHILD ABUSE

11166 Penal Code – Reporting requirements.

11167 Penal Code – Child abuse reports; disclosure.

11167.5 Penal Code – Protects child abuse reports.

11169 Penal Code – Written notification to suspect of report to child abuse central index.

830 Welfare and Institutions Code – Child abuse; disclosure.

CITATIONS

853.6(g) Penal Code – Citations; booking required on recordable offenses.

CLETS

15150-67 Government Code – Establishes California Law Enforcement Telecommunications System.

CORI

700-711 Code of Regulations – Procedures, regulations, definitions in handling criminal history information.

432.7-432.8 Labor Code – Regulates disclosure for employment; penalties for violation.

432.7(b) Labor Code – Arrest and detention of peace officer.

11075-81 Penal Code – Definition; dissemination; requirements to regulate dissemination.

CORI

(Continued)

11078 Penal Code – Requirement to maintain listing of agencies to whom CORI is released.

11105 Penal Code – Requirements/restrictions in furnishing state summary information.

11105.02 Penal Code – Screening of concessionaires; CORI provided to local government.

11105.03 Penal Code – Public housing authorities; access to information.

11105.3 Penal Code – Youth organizations and human resource agencies access to state CORI for employment/volunteers.

11105.4 Penal Code – Security organizations access to state and local CORI for employment.

11105.6 Penal Code – Bail bond agents access to CORI.

11120 Penal Code – Record defined.

11122-23 Penal Code – Application to obtain copy of own record; submission of application; fee.

11124 Penal Code – Determination of existence of record; copy of record or notice of no record; delivery.

11125 Penal Code – Prohibition from requiring subject to obtain copy of state record.

11126 Penal Code – Procedure for correction/clarification of state record.

11127 Penal Code – Requirement for DOJ to adopt regulations.

11140 Penal Code – Definition of state record.

11141-43 Penal Code – Penalties for unauthorized possession/dissemination of state summary records.

11144 Penal Code – Dissemination for statistical/research purposes; authorized and defined; state.

13102 Penal Code – CORI – definition.

CORI

(Continued)

13202 Penal Code – Dissemination for statistical/research purposes; local CORI.

13300-01 Penal Code – Requirements/restrictions in furnishing local summary information.

13302-04 Penal Code – Penalties for unauthorized possession/dissemination of local summary records.

13305 Penal Code – Dissemination for statistical/research purposes; local CORI.

13320-23 Penal Code – Right to examine and challenge state record; fees and procedures.

13324 Penal Code – Procedure for correction/clarification of local record.

13325 Penal Code – Requirement for local record review.

13326 Penal Code – Prohibition from requiring subject to obtain copy of local record.

2431 Vehicle Code – Access to CLETS by CHP for tow truck driver applicants.

204 Welfare and Institutions Code – Transmittal of information relating to arrest of minor; disposition.

361.4 Welfare and Institutions Code – Providing CORI obtained by CLETS to a county child welfare agency.

601.5 Welfare and Institutions Code – Access to CORI – at-risk programs for juveniles.

COLLISION REPORTS

20002 Vehicle Code – Accident reporting requirement.

20012-15 Vehicle Code – Required traffic accident reports; disclosure.

COMPLAINTS

832.5 Penal Code – Citizen's complaints against agency personnel.

COMPUTER SYSTEMS

502 Penal Code – Theft from; malicious access/damage; penalties.

CRIMINAL PROCEDURES

691 Penal Code – Accusatory pleading defined.

806 Penal Code – Examination before magistrate.

988 Penal Code – Arraignment.

DETENTION ONLY

849.5 Penal Code – Arrest deemed detention only; requirements.

851.6(a) Penal Code – Detention certificate requirements.

DISPOSITIONS

11115 Penal Code – Arrest and court action dispositions requirements.

13151 Penal Code – Arrest and court action disposition requirements.

DOMESTIC VIOLENCE

13700-02 Penal Code – Domestic Violence Act.

ELDER ABUSE

15610-32 Welfare and Institutions Code – Definition; reporting and employee requirements.

15633 Welfare and Institutions Code – Protects elder abuse and/or dependent adult abuse reports.

FINGERPRINT CARDS

11109 Penal Code – Coroner's records, decedent fingerprint cards required.

FIREARMS

545-547 & 550(b) Code of Civil Procedures – Firearms/restraining orders/prohibition to possess; agency mandate to report to DOJ.

12028-30 Penal Code – Notification of retention or destruction of firearms.

12052-54 Penal Code – CCW license application, fingerprints, fees.

INFORMATION RELEASE

6054 Business and Professions Code – Cooperation; assistance with State Bar.

1798.32-.44 Civil Code – Right of inquiry inspection of personal information.

1798.53 Civil Code – Intentional disclosure; civil action.

250-260 Evidence Code – Definitions; writings; original; duplicate.

1040 Evidence Code – Privilege/conditions for refusal to disclose information.

1270 Evidence Code – Defines government as business.

1271 Evidence Code – Admissible writings and exceptions to hearsay rule.

1506 Evidence Code – Copy of public writing.

1507 Evidence Code – Copy of recorded writing.

1508 Evidence Code – Other secondary evidence of writings.

1509 Evidence Code – Voluminous writings.

1530-32 Evidence Code – Official writings.

777.5 Financial Code – Release of information to banks for employment.

6525 Financial Code – Release of information to financial assistants for employment.

14409.2 Financial Code – Release of information to credit unions for employment.

6200-01 Government Code – Penalty for theft, destruction, etc., of public records.

6250-70 Government Code – Penalty for theft, destruction, etc., of public records.

6252 Government Code – Definitions under Public Records Act.

**INFORMATION
RELEASE**

(Continued)

6253 Government Code – Public records open to inspection; time; guidelines and regulations governing procedures.

6254-54.5 Government Code – Exemptions of particular records from disclosure.

6255 Government Code – Justification for withholding of records.

6256 Government Code – Copies of records/time requirements and extensions.

6258-59 Government Code – Public recourse for failure to provide information requested.

6260 Government Code – Effect of prior rights and proceedings.

6262-65 Government Code – Disclosure to district attorney.

6275-77 Government Code – Exemptions to California Public Records Act.

13960 Government Code – Definitions (victim, injury, crime).

13968(d) Government Code – Copies of protected documents to Board of Control.

27491.8 Government Code – Coroner's records.

54985-87 Government Code – Fees.

1522(a) Health and Safety Code – Access to CORI by Department of Social Services.

1522.06 Health and Safety Code – Providing CORI obtained by CLETS to a county child welfare agency.

146(b) Penal Code – Simulating official inquiries.

168 Penal Code – Release of felony warrants.

293 Penal Code – Victims of sex offenses may request that names not be disclosed.

INFORMATION RELEASE

(Continued)

530.5 Penal Code – Willful use of personal identifying information; records to reflect innocence of person whose identity was falsely used.

841.5 Penal Code – Confidentiality of victim and witness information.

13101 Penal Code – “Criminal justice agencies” defined.

13104 Penal Code – Certified reproduction of any record.

1808.45-1808.47 Vehicle Code – DMV records; procedures to protect confidentiality; disclosure.

1808.5 Vehicle Code – DMV records; confidentiality.

5328 Welfare and Institutions Code – Mentally ill persons; record confidentiality.

JUVENILE RECORDS

389 Welfare and Institutions Code – Authority to require sealing; requirement to seal – noncriminal.

781 Welfare and Institutions Code – Authority to require sealing; requirement to seal – criminal.

826-826.5 Welfare and Institutions Code – Release, destruction, reproduction of court records.

827-828 Welfare and Institutions Code – Court jurisdiction over juvenile records; police authority to release.

LICENSING

21625-28 Business and Professions Code – Secondhand dealer licensing requirements/reporting.

12070-77 Penal Code – Firearms dealers; dealer record of sales.

8100-8103 Welfare and Institutions Code – Prohibits firearm sales to mentally unfit.

MARIJUANA

11356(e) Health and Safety Code – Juvenile possession on school grounds.

MARIJUANA

(Continued)

11361-61.5 Health and Safety Code – Purge requirements.

11361.7 Health and Safety Code – Accuracy, timeliness and completeness of destruction; application.

MISSING PERSONS

14200-13 Penal Code – Reporting requirements.

PEACE OFFICERS

832.7-832.8 Penal Code – Peace officer records; confidentiality.

PITCHESS MOTIONS

1043 Evidence Code – Establishes guidelines for discovery/disclosure of peace officer records.

PREMISE VIOLATIONS

24202 Business and Professions Code – Requirement to report arrest to ABC.

PROBATION

1203 Penal Code – Authority to grant; conditions of probation.

1203.4 Penal Code – Discharged probationer; conviction set aside; reimbursement of county costs.

PROPERTY

11108 Penal Code – Requirement to submit reports of lost, found, or stolen property that is serialized.

RECORDS CHECK

10911.5 Education Code – Public recreation employees; fingerprinting.

35021.1 Education Code – Automated records check volunteer aids/sex offenses; conviction.

45125 Education Code – Requirement for fingerprints/state criminal history check.

88024 Education Code – Requirements for fingerprints/state criminal history check; community colleges.

RECORDS SEALING/ DESTRUCTION

35254 Education Code – Destruction of school district records; microfilming.

14755-56 Government Code – Destruction of state records; authority.

26201-02 Government Code – Destruction of county records; authority.

26205 Government Code – Destruction of certain records; conditions.

34090-90.5 Government Code – Destruction of city records; authority.

34090.6 Government Code – Destruction of communication tapes; authority.

34090.7 Government Code – Destruction of duplicate records less than two years old.

851.7 Penal Code – Petition to seal a record; minor.

851.8-851.85 Penal Code – Factual innocence; sealing/destruction requirements.

1203.45 Penal Code – Authority to order juvenile sealing with relief under 1203.4 Penal Code.

13103 Penal Code – Destruction of original records; conditions.

389 Welfare and Institutions Code – Authority to require sealing; requirement to seal – noncriminal.

781 Welfare and Institutions Code – Authority to require sealing; requirement to seal – criminal.

826-826.5 Welfare and Institutions Code – Release, destruction, reproduction of court records.

REGISTRANTS

11590 Health and Safety Code – Narcotic registration requirements.

186.30 Penal Code – Gang registrants.

290 Penal Code – Sex offender registration requirements.

REGISTRANTS

(Continued)

457.1 Penal Code – Arson offender registration requirements.

11590 Penal Code – Persons required to register.

REPORTS

21634 Business & Professions Code – Stolen non-serialized property report to DOJ.

21208 Financial Code – Pawn/buy reports to DOJ.

12525 Government Code – Death-in-custody reporting.

851.6(a) Penal Code – Detention reports to DOJ.

11107 Penal Code – Local reports to be furnished to DOJ.

13020 Penal Code – Statistical reporting to Attorney General.

13022 Penal Code – Annual justifiable homicide reporting to DOJ.

13023 Penal Code – Hate crimes reporting to Attorney General.

13150 Penal Code – Reporting requirements to DOJ.

10551 Vehicle Code – Requirement to report stolen boat to DOJ.

20008 Vehicle Code – Traffic accident report required to be submitted to CHP.

22853 Vehicle Code – Requirement to report stored vehicle to DOJ when unable to establish owner.

209-210 Welfare and Institutions Code – Detention of minors reporting.

RESTRAINING ORDERS

545-547 & 550(b) Code of Civil Procedures – Firearms/restraining orders/prohibition to possess; agency mandate to report to DOJ.

6345 Family Code – Restraining order expiration dates.

273.6 Penal Code – Violation of restraining order.

SCHOOL EMPLOYEES

44237 Education Code – Bar from employment for sex/narcotics offenses.

45123 Education Code – Bar from employment for sex/narcotics offenses.

45124 Education Code – Bar from employment; sexual psychopath.

45125 Education Code – Requirement for fingerprints/state criminal history check.

45126 Education Code – Duty of DOJ to furnish information.

88022 Education Code – Bar from employment for sex/narcotics offenses; community colleges.

88023 Education Code – Bar from employment; sexual psychopath; community colleges.

88024 Education Code – Requirements for fingerprints/state criminal history check; community colleges.

88025 Education Code – Duty of DOJ to furnish information; community colleges.

11591-91.5 Health and Safety Code – Notice to school authorities – controlled substance offenses.

291-291.5 Penal Code – Notice to school authorities of arrest for sex crime.

STATUTE OF LIMITATIONS

799-805 Penal Code – Statute of limitations, criminal.

SUBPOENAS

128 Code of Civil Procedures – Powers of court; compliance with subpoena.

1985-1987 Code of Civil Procedures – Defines subpoena and affidavit requirements.

2002-2015 Code of Civil Procedures – Defines manner of production, mode of testimony, and affidavits offered as testimony.

SUBPOENAS

(Continued)

2016-2036 Code of Civil Procedures – Discovery.

2020(d)(4) Code of Civil Procedures – Deposition subpoenas.

2023 Code of Civil Procedures – Procedure for a subpoena regarding deposition of witness within this state in foreign actions.

2024 Code of Civil Procedures – Deposition of witness for an out-of-state witness in actions within this state.

2034 Code of Civil Procedures – Declaration must state what is requested and relevant and needed.

1560 Evidence Code – Compliance with subpoena duces tecum for business records.

1561 Evidence Code – Affidavit accompanying records.

1562 Evidence Code – Admissibility of affidavit and copy of records.

1563 Evidence Code – Witness fees and mileage.

1564 Evidence Code – Personal attendance of custodian and production of original records.

1565 Evidence Code – Service of more than one subpoena duces tecum.

68093-97 Government Code – Witness fees.

1054.5 Penal Code – Criminal discovery.

VEHICLES

28 Vehicle Code – Vehicle repossession notification.

10500 Vehicle Code – Requirement to report stolen vehicles or plates.

10851 Vehicle Code – Vehicle theft.

22650 Vehicle Code – Vehicle removal requirement.

22651 Vehicle Code – Vehicle removal; circumstances allowing.

22852 Vehicle Code – Notice to owner of towed vehicle.

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Resource Guide

XII. RESOURCE GUIDE

INTRODUCTION

This resource guide contains a variety of information relating to records management, including:

- books, pamphlets, articles and special reports;
- periodicals;
- associations; and
- POST-certified training courses.

Also included is information regarding the POST Records Supervisor Certificate, including eligibility and application requirements.

The POST Web site offers access to many areas of interest to records supervisors. This section lists many features of the site which we hope will prove useful.

Information on how to request an Attorney General's Opinion is also included.

BOOKS, PAMPHLETS, ARTICLES AND SPECIAL REPORTS

TOPIC

TITLE

Arrest and Dispositions

Arrest and Disposition Reporting Manual. California Department of Justice, Bureau of Criminal Identification and Information, 1991.
(Currently under revision)

Audit of Records Function

Audit Manual for Criminal History Records System. SEARCH Group, Inc., Sacramento, CA, 1982.

IACP UCR Audit/Evaluation Manual. International Association of Chiefs of Police. Gaithersburg, MD, 1976.

Operations Auditing for Public Managers. Roger Keast and Robert Franke. Bureau of Governmental Research and Services, Center for Public Policy and Administration. California State University, Long Beach, CA, 1982.

"Records Audits: Examine With Intent to Verify." *The Records and Retrieval Report.* Vol.10, No. 9, November 1994.

Automation

"Acquisition of New Technology: A Best Practices Guide." International Association of Chiefs of Police. *BIG IDEAS for Smaller Police Departments*, Spring 2000.

"Creating In-house Applications on CD-Rom." *Records and Retrieval Report.* Part I, Vol. 11, No. 9, November 1995. Part II, Vol. 11, No. 10, December 1995.

"Digital Storage: An Updated Look at Optical Media." *Records and Retrieval Report.* Part I, Vol. 11, No. 7, September 1995; Part II, Vol. 11, No. 8, October 1995.

Guide to Selecting Criminal Justice Micro-Computers. National Clearinghouse for Criminal Justice Information Systems, Sacramento: SEARCH Group, Inc., July 1990.

Imaging Enhances Justice Data Management. SEARCH Group Technical Bulletin, Issue No. 1, 1994.

"Marin County, California Criminal Justice Information System." *SEARCH Group Case Study Series*, Fall 1999/Winter 2000.

Office Automation: A Systems Approach. 3rd Ed. Charles Ray. Cincinnati, Ohio, South-Western, 1995.

Office Automation - Technology and Concepts. 2d Ed. Kathleen P. Wagoner and Mary M. Ruprecht. New Jersey: Prentice-Hall, 1987.

"Optical Storage Systems." *Records and Retrieval Report*. Vol. 9, No. 3, March 1993.

"Optical Imaging in Criminal Justice." *SEARCH Group Technical Bulletin No. 2*, June 1992.

"Six Drawbacks to Putting Records On-Line." Canning, Bonnie: *Administrative Management*, May 1986.

"Identifying Computer-Related Stressors in Office Employees," Alexander, Melody Weblar, *Office Systems Research Journal (OSRA)*, Vol. 13, No. 2, Fall 1995. Southwest Missouri State University, Springfield Missouri.

Structured Systems Development Guidelines. Bureau of Justice Assistance, U.S. Department of Justice, June 1990.

"Successful Conversion to an Automated System Requires Careful Planning -- With Many Issues to Reveal," *Office Administration and Automation*, October 1984.

Systems Analysis and Project Management. 3rd Ed. David Cleland and William R. King. New York: McGraw-Hill Book Company, 1983.

Directory

Directory of California Record Supervisors. California Department of Justice, Bureau of Criminal Identification and Information, April 1994.

Directory of Services. California Department of Justice, Bureau of Criminal Information and Analysis, 1999.

National Law Enforcement Telecommunications System (NLETS) Originating Agency Identifier (ORI) Directory. Available through CLETS - ORION file.

Filing

Filing Fundamentals: A Step-By-Step Approach to Setting Up and Using a Basic Filing System. Toni Bowen, Ennis, MT, Positive Results 1993.

Filing and Records Management. Nathan Krevolin. New Jersey: Prentice-Hall, 1986.

Filing Procedures: A Guideline. Prairie Village, Kansas: ARMA Int'l, 1989.

Fingerprinting/ Registrants

Applicant Live Scan. California Department of Justice, Bureau of Criminal Identification and Information, January 1999.

A Guide to Reporting Child Abuse to DOJ. California Department of Justice, Bureau of Criminal Information and Analysis, 1998.

Applicant Fingerprint Clearance Manual. California Department of Justice, Bureau of Criminal Identification and Information, 1997.

Guide to Sex, and Arson Registration Procedures. Department of Justice, Bureau of Criminal Information and Analysis, June 1999.

Property

Automated Firearms System Reference Booklet. California Department of Justice, Bureau of Criminal Information and Analysis, 1994.

Automated Property System Reference Booklet. California Department of Justice, Bureau of Criminal Information and Analysis, January 1994.

California Firearms Laws. California Department of Justice, Bureau of Criminal Information and Analysis, 1999.

Criminal Justice Information Systems (CJIS) Manual. California Department of Justice, Bureau of Criminal Information and Analysis, September 1997. *Also see CJIS Bulletins.

Dangerous Weapons' Control Law Enforcement. California Department of Justice, Bureau of Criminal Information and Analysis, 1999. Available online at www.caag.state.ca.us/firearms.

Managing Property in Law Enforcement Agencies. State of California, Commission on Peace Officer Standards and Training, 1984.
(Currently under revision)

Evidence and Recovered Property - The Police Property Control Function. Robert A. Doran, Arlington Heights, IL: Public Management Press, 1994.

National Crime Information Center Code Manual. US Department of Justice, Federal Bureau of Investigation.

National Crime Information Center Control Operating Manual. US Department of Justice, Federal Bureau of Investigation.

Property and Evidence Manual. California Association of Property and Evidence (CAPE), 1995.

Retention and Return of Property Held by Law Enforcement Agencies. California District Attorney's Association, Center for Criminal Justice Policy and Management, 1984.

Secondhand Dealer and Pawnbroker Laws. California Department of Justice, Bureau of Criminal Information and Analysis, January 1999.

Records Management

Accounting and Information Systems. 3rd Ed. Joseph W. Wilkinson. New York: John Wiley and Sons, 1991.

Local Police Information Policy. SEARCH Group, Inc. Sacramento, 1982.

"Precautions and Safe Practices for Records Storage Systems."
Records Management Quarterly, Vol. 26, No.2, Page 24(4) April 1992.

Records Management: A Practical Approach. 3rd Ed. Susan Z. Diamond, New York: AMACOM, 1995

Records Management: A Practical Guide for Cities and Counties. Julian Mims: Washington, D.C., Intl City-Cnty Mgmt (ICMA), 1996.

Records Security

Attorney General's Roster of Selected Criminal Justice Agencies and their Representatives. Department of Justice, Bureau of Criminal Information and Analysis, January 1999.

California Criminal Offender Record Information Authorized Agencies List. California Department of Justice, Bureau of Criminal Identification and Information, November 1994.

California Criminal Records Security Statutes and Regulations. California Department of Justice, Bureau of Criminal Identification and Information, May 1998.

"Talking Trash: Proper Disposal of Sensitive Documents." *Security Management*, Vol. 39, No. 2, Page 24(4), February 1995.

Space Planning

"Space Planning For Records Departments." *The Records and Retrieval Report*. Vol. 8, No. 10, December 1992.

Telecommunications Training

Areas of Liability for the Criminal Justice Information System Administrator. Federal Bureau of Investigation, NCIC, April 1988.

CLETS/CJIS Full Access Operator Telecommunications Workbook. California Department of Justice, Field Operations, May 1999.

CLETS/NCIC Full Access Operator Recertification Examination. California Department of Justice, Field Operations, July 1999-June 2001.

CLETS/NCIC Less Than Full Access Operator Information Packet and Proficiency Examination. California Department of Justice, Field Operations, July 1999-June 2001.

CLETS/NCIC Less Than Full Access Operator Telecommunications Workbook. California Department of Justice, Law Enforcement Liaison, 1998.

CLETS/NCIC Telecommunications Training Video. California Department of Justice, Law Enforcement Liaison, 75 Minutes, November 1997.

CLETS Operating Manual. California Department of Justice, Bureau of Criminal Information and Analysis, 1998.

CLETS Policies, Practices and Procedures. California Department of Justice, Law Enforcement Liaison, November 1999.

Criminal History Inquiry Manual. California Department of Justice, Bureau of Criminal Identification and Information, 2000.

Criminal History Users Guide. California Department of Justice, Bureau of Criminal Identification and Information, 2000.

Peace Officer's Guide to Information Services. California Department of Justice, Bureau of Criminal Information and Analysis, June 1995.

Telecommunications Training Guide 1998. California Department of Justice, Law Enforcement Liaison, 1998.

Temporary Restraining Orders

Criminal Justice Information Systems (CJIS) Manual. California Department of Justice, Bureau of Criminal Information and Analysis, September 1997. *Also see CJIS Bulletins.

Guidelines and Curriculum for Law Enforcement Response to Domestic Violence. State of California, Commission on Peace Officer Standards and Training, Sacramento, February 1996.

Wanted Persons System and Domestic Violence Restraining Order System Reference Booklet. California Department of Justice, Bureau of Criminal Information and Analysis, 1994.

Vehicles

Department of Motor Vehicles Operating Manual for CLETS. California Department of Justice, Bureau of Information and Analysis, 2000.

Information Request Manual. State of California Department of Motor Vehicles. Sacramento.

National Crime Information Center Code Manual. U.S. Department of Justice, Federal Bureau of Investigation.

Stolen Vehicle/Automated Boat System Reference Book. California Department of Justice, Bureau of Criminal Information and Analysis, March 1997.

PERIODICALS

**California Police
Recorder**

Official Publications, Inc.
P.O. Box 11788
Santa Ana, CA 92711-1788
714-544-7776

**Government
Microcomputer
Letter**

The Innovation Groups
6604 Harney Road, Suite L
Tampa, FL 33610
813-622-8484

**Office Solutions
Magazine**

(Formerly *Office Systems/Managing Office Technology*)
Quality Publishing, Inc.
523 N. Sam Houston Parkway East, Suite 300
Houston, TX 77060
281-272-2744

**The Information
Management
Journal**

(Formerly *Records Management Quarterly*)
Association of Records Managers &
Administrators (ARMA)
4200 Somerset Dr., Suite 215
Prairie Village, KS 66208

**Records and
Information
Management
Report**

(Formerly *The Records and Retrieval Report*)
Greenwood Publishing Group, Inc.
88 Post Road West
Westport, CT 06881
203-226-3571

ASSOCIATIONS

APCO

Associated Public-Safety Communications International, Inc.
2040 S. Ridgewood Avenue
South Daytona, FL 32119
(904) 322-2500
www.apcointl.org

ANSI

American National Standards Institute
11 West 42 Street
New York, NY 10036
(212) 642-4900
www.ansi.org

ARMA

Association of Records Managers and Administrators International
4200 Somerset Drive, Suite 215
Prairie Village, KS 66208
(913) 341-3808
www.arma.org

CCJWSA

California Criminal Justice Warrant Services Association
C/O Alameda County Sheriff's Department
1225 Fallon Street, Room 104
Oakland, CA 94612
Attn: Ms. Margaret Duncan

CLEARs

California Law Enforcement Association of Records Supervisors
(The principle office of CLEARs is the office of the current State President. For information on the current State President, contact Official Publications, Inc., at 714-544-7776.)

IALEP

International Association of Law Enforcement Planners
Davis Police Department
708 Third Street
Davis, CA 95616
www.ialep.org

SEARCH

925 Secret River Drive, Suite H
Sacramento, CA 95831
(916) 392-2550
www.search.org

POST RECORDS SUPERVISOR CERTIFICATE

ELIGIBILITY REQUIREMENTS

In 1998, POST established the Records Supervisor Certificate. To qualify for the award of the Records Supervisor Certificate, the applicant must meet the following eligibility requirements:

- Currently be a records supervisor (defined as a full-time, non-peace officer employee of a participating California law enforcement agency who performs law enforcement records supervising duties which include maintenance, control, release, destruction, and security 50% or more of the time within a pay period);
- Have his/her employment reported to POST through submission of a Notice of Appointment/Termination form (POST 2-114) at least 30 days prior to application for award of the certificate;
- Have satisfactorily completed a probationary period established by the employing agency as a records supervisor;
- Have a minimum of two years' satisfactory service with the employing agency as a records supervisor;
- Have graduated high school or passed the General Education Development Test (GED); and
- Have successfully completed a POST-certified Public Records Act course (minimum 16 hours); and the Records Supervisor course (minimum 40 hours).

APPLICATION REQUIREMENTS

The Application for Award of POST Records Supervisor Certificate form (POST 2-117) is used to apply for a Records Supervisor Certificate. The application is signed by the department head and includes the following attestation:

"I recommend that the certificate be awarded. I attest that the applicant is a full-time records supervisor and has: 1) graduated high school or passed the General Education Development Test (GED), 2) completed a probationary period established by this agency, 3) successfully completed a minimum of two years' service with this agency as a records supervisor, and 4) successfully completed the training requirement set forth in

Commission Regulation 1005(k). This applicant, in my opinion, is worthy of the award. My opinion is based upon personal knowledge or inquiry. The personnel records of this agency substantiate my recommendation.”

**CERTIFICATE
DENIAL OR
CANCELLATION**

The Commission shall deny or cancel a Records Supervisory Certificate if the application that was submitted, or the certificate that was issued, is based on misrepresentation, fraud, or administrative error on the part of the Commission and/or the employing agency.

**FORMS AND
QUESTIONS**

To request a supply of the Award of POST Records Supervisor Certificate form (POST 2-117) and the Notice of Appointment/Termination form (POST 2-114), please call the POST Administrative Services Bureau at 916-227-3909.

Questions regarding the POST Records Supervisor Certificate may be directed to Gwyn Campbell, Administrative Services Bureau at 916-227-4253.

POST-CERTIFIED TRAINING COURSES RELATED TO RECORDS MANAGEMENT

RECORDS

Contra Costa Criminal Justice Training Center
Los Medanos College
2700 East Leland Road
Pittsburg, CA 94565
(510) 439-2181

Rio Hondo Regional Training Center
3600 Workman Mill Road
Whittier, CA 90608
(562) 908-3406

San Diego Regional Training Center
c/o Doubletree Hotel
11915 El Camino Real, Suite 105
San Diego, CA 92130
(858) 792-6501

South Bay Regional Training Consortium
3095 Yerba Buena Road
San Jose, CA 95135
(408) 270-6458

Southwest Regional Training Center
454 E. Carson Plaza Drive
Carson, CA 90746
(213) 217-0752

RECORDS SUPERVISOR*

Contra Costa Criminal Justice Training Center
Los Medanos College
2700 East Leland Road
Pittsburg, CA 94565
(510) 439-2181

San Diego Regional Training Center
c/o Doubletree Hotel
11915 El Camino Real, Suite 105
San Diego, CA 92130
(858) 792-6501

Rio Hondo Regional Training Center
3600 Workman Mill Road
Whittier, CA 90608
(562) 908-3406

**PUBLIC
RECORDS ACT***

California Peace Officers' Association
1455 Response Road, Suite 190
Sacramento, CA 95815
(916) 263-0541

*Successful completion of this course is required to be eligible for award of a POST Records Supervisor Certificate.

THE POST WEB SITE: www.post.ca.gov

Information on POST services, training courses, and a host of other topics is available 24 hours a day via the POST Web site at www.post.ca.gov.

One particularly interesting feature of the POST Web site is the POST Clearinghouse. The Clearinghouse was designed as a comprehensive and timely repository of law enforcement information. Through the POST Clearinghouse links visitors can access a variety of information, such as:

- Command College - Provides access to Command College Abstracts identifying emerging issues in law enforcement.
- Flagships - Highlights law enforcement agencies with outstanding programs in a variety of areas such as administration, community policing, field training, etc.
- Law - Information about and access to codes regarding California law enforcement.
- Legislation - Presents the latest information on current legislation affecting POST and the California law enforcement community.
- On-line Resources - Provides access to more than 1000 law enforcement Web sites, including agencies, associations, libraries, etc.
- Property - Provides access to surplus law enforcement equipment and supplies as well as related grant resources.
- Publications - Provides a listing of POST-originated publications available to law enforcement agencies and the general public.

The POST Web site is a dynamic site which is constantly updated to provide the most current information available regarding the Commission and topics of interest to California law enforcement.

HOW TO REQUEST AN ATTORNEY GENERAL'S OPINION

(www.caag.state.ca.us/opinions)

An opinion by the state's Attorney General may be requested for the purposes of:

- obtaining clarification of legislation,
- interpretation of legislation, and
- legislative intent of a statute.

The agency administrator or District Attorney should prepare the inquiry. All inquiries should be directed to:

State of California
Office of the Attorney General
1300 "I" Street, 11th Floor
Sacramento, CA 95814

Insert Tab #15

Glossary

XIII. GLOSSARY

Abstract	A summary of an existing warrant, which is communicated by telegraphic or other electronic means to other peace officers for service, and which contains all the information required by Penal Code Section 850.
Audit	An official examination and verification of accounts and records.
CLETS	California Law Enforcement Telecommunications System.
CORI	Accumulative criminal offender record information.
Carbon	Paper with a pigmented coating that is used to transfer an image through pressure or impact.
Citizen Courtesy Warning Notice	A written notification that an outstanding warrant exists. It is mailed to the person named on the warrant in minor misdemeanor cases or infractions.
Complaint	An accusatory pleading in a court of law charging an individual with a public offense.
Complaint Control Number	The case number, file number or daily report number.
Complaint Dispatch Card	A document used by a law enforcement agency to record initial data concerning a call for service.
Daily Activity Log	A document used to record initial data concerning a call for service.
Exemptions	Information that can be withheld from release to the public as defined by legal statute and court decision.

Flowchart	Diagrams that graphically portray the sequential flow of data and/or operations through a procedure.
Forms Control	A system of centralized responsibility for the development, maintenance, numbering, revision, ordering and supply of designated forms.
Forms Inventory	A collection of all forms segregated by form function or subject.
Functional Forms File	A collection of all forms segregated by form function or subject.
Juvenile Records	Those records pertaining to an individual under the age of 18.
Microfilm	Film used for storage of records; usually as 16 mm rolls or cartridges, or as microfiche.
Micrographics	The industry concerned with the manufacture and sale of graphics material in microform, such as microfilm.
Numerical Forms File	A collection of all current forms filed in numerical order by form number.
Patrol Workload Measurement	A method used to measure the response capability of a law enforcement agency patrol force.
Personal Identification File	A file consisting of an individual's arrest history with a local law enforcement agency.
Personnel Files	Any application, information, memoranda or internal investigation pertaining to an agency's present or past employees.
Pre-sentence Report	Report prepared by the probation department at the order of the court, recommending the type of sentence to be given to the defendant.

Primary Report System	System that begins with a call for service and results in action taken by the law enforcement agency and the documentation thereof.
Public Records	Any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.
Rap Sheet	Record of arrests and prosecutions (commonly used to describe the State of California criminal history record).
Screen	Shaded area on a form to highlight certain data.
Special Activity Card	A document used by a law enforcement agency to record initial data resulting from an officer's initiated activity or administrative activities.
Tickler File	A device for jogging the memory; a file that serves as a reminder and is arranged to bring matters to timely attention.
T.N.G. Order	Juvenile court order for each county that defines conditions for releasing information on juveniles.
Uniform Crime Reporting	A nationwide view of crime based upon the submission of police statistics by law enforcement agencies throughout the country.
Warrant Alpha Index Card	Contains the wanted person's name, date of birth and date of the warrant. It may be filed in the master alpha file or in a separate want/warrant alpha file.
Warrant File	A file containing all the original arrest warrants and warrant abstracts in the possession of the department.
Warrant Log	A chronological listing of all warrants and abstracts received by the department.

**Warrant Service
Information Card**

Contains pertinent information concerning the wanted person, which is carried in the field by the assigned officer in lieu of the warrant.

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